Sepherſheba:
OR THE
OATH-BOOK.
BEING
A TREATISE
CONCERNING
Swearing



The Nature, Forms, Rights, Lawfulneſſe, Rules of Swearing, Adjuration, and keeping of Oaths; Wherein the Errors of *Papiſts*, *Quakers* and others about Swearing are detected; many Caſes about Swearing and keeping Oaths are reſolved in XX. Catechetical Lectures delivered at *Lemſter* in *Herefordſhire* on the third Commandment, in the year 1636. but now much enlarged

By *John Tombes*, B. D.

Jer. 4. 2. *And thou ſhalt ſwear, the Lord liveth, in Truth, in Judgement, and in Righteouſneſſe, and the Nations ſhall bleſſe themſelves in him, and in him ſhall they glory.*

LONDON,
Printed by *John Twyn* for *Andrew Crook* at the *Green Dragon* in St. *Pauls* Church Yard, 1662.

Librum hunc cui titulus Sepherſheba *perlegi, nec quicquam in eo reperio quo minus & ratione rei ipſius & temporum cum utilitate Publica Imprimatur.*

April 23. 1662.

M. Frank. S. T. P. R. in Chriſto P. D. Epiſcopo *Lond.* a Sacris Domeſticis.

TO THE KINGS MOST EXCELLENT. MAJESTY.

Dread Soveraign,

FOR satisfaction of many of Your Subjects Consciences about the Oath of Your Majesties Supremacy, after many Conferences with considerable successe at the instance of some, I published in October, 1660. a short writing intituled, *A Serious Consideration of the Oath of the Kings Supremacy.* Which not long after met with opposition both in the point of Swearing, and of Your Majesties Supremacy in Government concerning things Spiritual: whereby I was necessitated to publish in *February* following, a Supplement to the former Writing for the clearing of some things in my former Book, and the Oath of Allegiance. Which being also gain-said, and the Opinion of not Swearing in

any Case spreading much (which tends to the Obstruction of Judicial proceedings, and other Acts of Government) I have reviewed some Catechetical Lectures delivered at my charge anno. 1636, and now presume to publish them much enlarged, that thereby I may what in me lies vindicate truth in this point, and obviate the evils about non-swearing or evil swearing now growing in this Nation.

May it therefore please Your Majesty with Your Royal Favour to receive this Writing from his hands, who in acknowledgement of the great benefit of subsistence, and Liberty which he enjoys under Your Majesties Government, and by Your Favour in all Humility presents it to Your Royal Hands, Humbly Praying, that while due care is taken, that necessary swearing for the right Administration of Justice be continued, there be some severe course used, that Profane, Vain, and impious Swearing be restrained, and reformed, lest the increase of it at last make the Land mourn because of Oaths, and that while Uniformity in Religion is endeavoured, such regard be had either to the satisfying or Toleration of tender Consciences of Peaceably minded Christians, that all may live happy under Your Majesties Government, and Your Throne may be established in Righteousnesse, which is the Prayer and Study of

Your Majesties most Humble

and Loyal Subject

JOHN TOMBES.

The Contents.

LECT. 1. *Of the meaning of the third Commandment.*

Sect. 1. *The third Commandment is confessedly moral.*

Sect. 2. *A proposal of the terms to be explained.*

Sect. 3. *Of the term* Jehovah.

Sect. 4. Jehovah *is the God of Gentile believers as well as Jews.*

Sect. 5. *The relation* [thy God] *notes a mutual respect.*

Sect. 6. *The Name of God signifies his appellations and what pertains to his greatnes.*

Sect. 7. *The taking of Gods Name in vain is in our speech chiefly by swearing.*

Sect. 8. *The taking of Gods Name in vain in our speech is chiefly by false swearing.*

Sect. 9. *Gods not holding guiltles is by a figure of extenuation of speech* [*he will most graciously punish.*]

Sect. 10. *Reasons of the heavy vengeance allotted to perjury.*

Lect. 2. *Of the definition of an Oath.*

Sect. 1. *The notation of words signifying oaths in Hebrew, Greek, Latin, English.*

Sect. 2. *Various definitions of an Oath by Philosophers and Divines ancient and modern are premised.*

Sect. 3. *Many things are premised concerning the genus of an Oath, the difference of it from other things, Gods swearing, cautions, & preparatory to the definition of swearing.*

Sect. 4. *Definitions of an Oath in general, of Gods, and mans in special are put.*

Sect. 5. *An inference is made that all swearing should be religiously performed.*

Lect. 3. *Of the form of ſwearing*, as the Lord liveth.

Sect. 1. *The reaſon of inquiry into and explication of forms of ſwearing is ſhewed.*

Sect. 2. *Gods and mans uſual forms of ſwearing in Scripture*, as I live, as the Lord liveth, as thy ſoul liveth, *are recited.*

Sect. 3. Joſephs *expreſſion* Gen. 42. 15, 16. [by the life of Pharaoh] *was ſwearing, and how it was to be underſtood.*

Sect. 4. *Chriſts uſing* [Amen, Amen] *was not ſwearing, nor are* [in faith, in troth.]

Sect. 5. [*by faith, by troth*] *are not forms of Oaths, except the uſers uſe them as ſuch.*

Sect. 6. *The firſt form of ſwearing is to be expounded by collation of a thing certain by Divine Providence with that which we averre.*

Lect. 4. *Of the forms of ſwearing by appeal to God as Witneſſe, Arbitrator, Judge or Avenger.*

Sect. 1. *Sundry paſſages of the Old and New Teſtament are alleged, wherein ſwearing is by appealing to God as witnes.*

Sect. 2. *It is reſolved that* Rom. 9. 1. 1 Tim. 5. 21. Deut. 4. 26. Deut. 30. 19. 1 Sam. 12. 3. 5. *contain not forms of ſwearing.*

Sect. 3. *Of ſwearing by appealing to God as Judge.*

Sect. 4. *Of ſwearing by imprecation.*

Sect. 5. *Of ſwearing by appealing to God as helper, and pawning our intereſt in things dear to us to aſſure men we ſpeak truth.*

Sect. 6. *Of the form of ſimple ſwearing and with uſe of ſome rite to ſignifie it.*

Lect. 5. *Of the rites of ſwearing.*

Sect. 1. *Of the rite of ſwearing by lifting up of the hand.*

Sect. 2. *Of ſwearing by putting the hand on the Book of the Goſpels, on the breaſt, giving the hand.*

Sect. 3. *Of ſwearing by putting the hand under the thigh.*

Sect. 4. *Of the rite of ſwearing by comming before the Altar.*

Sect. 5. *Of ſwearing by dividing a beaſt and paſſing through the parts.*

Sect. 6. *Of the rites of eating together and taking the Sacrament in Oaths and Covenants.*

Sect. 7. *Some addition to the* 3d. *and* 4th. *Lectures about forms of ſwearing.*

Lect.

Lect. 6. *Swearing is Divine Worship not to be given to a creature.*

Sect. 1. *By consent of Christians and infidels swearing is accounted Divine Worship.*

Sect. 2. *The Holy Scriptures make swearing a part of Divine Worship.*

Sect. 3. *Arguments against swearing by a Creature.*

Sect. 4. *Holy men except against swearing by creatures, hereticks and Idolaters used it.*

Sect. 5. *Allegations for some form of swearing by creatures.*

Sect. 6. *Some propositions about swearing by creatures.*

Lect. 7. *Swearing is for ending controversies both in promissory and assertory Oaths, and may be lawfully used by Christians in cases of necessity.*

Sect. 1. *Oaths should end controversies tho not alwayes.*

Sect. 2. *The general end of swearing is the confirmation of the saying of him that swears.*

Sect. 3. *Some divisions of Oaths are recited.*

Sect. 4. *The question is stated about the lawfulnes of some swearing with difference of opinions about it.*

Sect. 5. *The first argument for the lawfulnes of some swearing from the morality of it.*

Sect. 6. *The second Argument for some swearing from Gods approbation.*

Sect 7. *The third argument from the lawfulnes of putting some to their Oath.*

Sect. 8. *The fourth argument for some swearing from the practise of the godly.*

Sect. 9. *The fifth and sixth arguments for the lawfulnes of some swearing from the use of it, and it's being a sacred thing are set down.*

Sect. 10. *An answer to the objection from* Mat. 5. 33, 34, 35, 36, 37. James 5. 12. *against any swearing. from the flatnes and fulnes of the prohibitions.*

Sect. 11. *A limitation of those texts* Mat. 5. 34. James. 5. 12. *may be gathered from them.*

Sect. 12. *The argument of* Samuel Fisher *against this limitation is answered, that then Christ should not in those words add to the Law.*

Lect. 8. *Of swearing in Truth.*

Sect.

The Contents.

Sect. 1. *All Oaths must be in Truth.*
Sect. 2. *Both Logick and Moral Truth must be in all Oaths.*
Sect. 3. *Oaths are to be understood in the common acception of words.*
Sect. 4 *Oaths are to be interpreted according to the thing sworn.*
Sect. 5. *Oaths must have an interpretation of strict right neither favourable nor rigid.*

Lect. 9. *Of Perjury.*
Sect. 1. *Perjury is defined to be false swearing.*
Sect. 2. *Perjury in Assertory Oaths is diverse wayes.*
Sect. 3. *Perjury in Promissory Oaths is diverse wayes.*
Sect. 4. *The sin of Perjury is exceeding great.*
Sect. 5. *An use of Information concerning the evils arising from perjury.*
Sect. 6. *Dehortation from Perjury, and directions to avoid it.*

Lect. 10. *Against Jesuitical Equivocation.*
Sect. 1. *A new art of perjury invented or promoted by Jesuites, is opposed by Papists and Protestants.*
Sect. 2. *Jesuitical Equivocation is described.*
Sect. 3. *The question about equivocation is stated.*
Sect 4. *Jesuitical equivocation is with lying and deceit, and in Oaths perjury.*
Sect. 5. *Jesuitical equivocation evacuates the end of an Oath.*
Sect. 6. *Jesuitical equivocation mars Humane Commerce, Judicial Proceedings, Christian Confessions, Laws against lying, and common Honesty.*
Sect. 7. *Objections from the Words and Deeds of Holy men for equivocation are solved.*
Sect. 8. *Our Saviours Words prove not his use of Jesuitical equivocation.*
Sect. 9. *Our Saviours Action,* Luke 24. 28. *justifies not Jesuitical equivocation.*
Sect. 10. *No allowed Actions of men warrant Jesuitical equivocation.*

Lect. 11. *Of Swearing in Judgement.*
Sect. 1. *An Oath is to be taken in a judgement of Discretion.*
Sect. 2. *Oaths not taken in judgement if unnecessarily.*

Sect 3.

Sect. 3. *A Religious, Calm, even mind ſhould be in ſwearing.*
Sect. 4. *In Aſſertory Oaths the matter of the Oath ſhould be be-fore conſidered.*
Sect. 5. *In Promiſſory oaths raſhneſſe is to be avoyded.*
Sect. 6. *In an oath the form and rite of it is to be conſidered.*

Lect. 12. *Of vain ſwearing.*
Sect. 1. *Vain ſwearing is forbidden in the third Commandement.*
Sect. 2. *Reaſon proves vain ſwearing ſinful.*
Sect. 3. *Vain ſwearing is ſundry wayes with diverſe degrees.*
Sect. 4. *The people of* England *are reproved for vain ſwearing.*
Sect. 5. *The pleas are vain for vain ſwearing.*
Sect. 6. *Admonition and Directions againſt vain ſwearing.*

Lect. 13. *Of ſwearing in Righteouſneſſe.*
Sect. 1. *Swearing in Righteouſneſſe is to be ſundry wayes.*
Sect 2. *Aſſertory oaths are to be in Righteous Cauſes to Righte-ous purpoſes.*
Sect. 3. *Promiſſory oaths are to be of Righteous things with a Righteous mind.*
Sect. 4. *All ſwearing in unrighteouſneſſe is evil and to be avoy-ded.*

Lect. 14. *Of Adjuration or urging others to ſwear.*
Sect. 1. *Adjuration hath diverſe ſenſes.*
Sect. 2. *An oath may be onely urged on men.*
Sect. 3. *A ſuperiour may exact an oath of an inferiour in ſome caſes.*
Sect. 4. *An equal may urge an equal to ſwear to him.*
Sect. 5. *Inferiours may in ſome Caſes urge ſuperiors to ſwear to them.*
Sect. 6. *An oath may be in ſome caſe required of him that ſwears by an Idol.*
Sect. 7. *In ſome caſe an oath may be required of one that is like-ly to ſwear falſly.*
Sect. 8. *In ſome caſes perſons are not to be urged to ſwear.*

Lect. 15. *Of adjuring a perſon concerning his own crime.*
Sect. 1. *The occaſion of the Caſe about adjuring a perſon concer-ning his own crime.*
Sect. 2. *The queſtion concerning the oath,* ex officio *is ſtated.*

Sect. 3. Exod. 22 10, 11. 1 Kings 8. 31. *are alleged for adjuring the person guilty to testifie his crime.*

Sect. 4. *The Law* Numb. 5. 19. *to charge the suspected by Oath is alleged for adjuring a person to testifie his crime.*

Sect. 5. *The Answers of* Michaiah 1 Kings 22. 16. *of Christ* Mat. 26. 63. *the imposing of an Oath* 1 Kings 18. 10. *are alleged for the Oath* ex officio.

Sect. 6. *Some promissory Oaths imposed, with the Law,* Levit. 5. 1. *are brought to prove adjuration of a person accused lawful.*

Sect 7. *Gods Commands* Deut. 13. 4. *and* 21. 6. *are urged for such adjuration, with* Calvins *practise and the necessity of it.*

Sect. 8. *The determinations of* Dr. Ames *about the Oath* ex Officio *are examined.*

Sect. 16. *Of Exorcism or adjuration improperly called.*

Sect. 1 *Adjuration improper is an assay to bind by an Oath as if it were taken.*

Sect. 2. *Adjuration improper of men may be lawful.*

Sect 3. *Adjurations of inferiours bind by the equity of the thing urged, of superiours by their Command also.*

Sect. 4 *Holy Angels are not to be adjured.*

Sect. 5. *Adjuration of Devils imperatively is lawful to them who have power over them, not to others, nor other wayes.*

Sect 6. *Heathenish and Popish adjuration of irrational creatures is sorcery.*

Sect. 17. *Of keeping promissory oaths.*

Sect. 1. *God requires the keeping of promissory oaths.*

Sect. 2. *An oath which is not by the true God binds.*

Sect 3. *A promissory oath binds the swearer, tho it be to his great dammage.*

Sect. 4. *An oath taken upon errour through fraud doth bind.*

Sect 5. *Oaths extorted by great fear are to be kept.*

Sect. 6. *An Oath of silence to a Robber is to be kept.*

Sect. 18. *Of keeping promissory oaths to Hereticks Faithles Persons, successors.*

Sect. 1. *Papists deny that oaths to Hereticks are to be kept.*

Sect. 2. Becanus *the Jesuite doth shuffle in this point.*

Sect. 3. *The Arguments of* Becanus *prove faith is to be kept with*

with Hereticks and excommunicate persons:

Sect. 4. *The excuses* Becanus *makes for Popes and Papists acquit them not.*

Sect. 5. *Oaths, if reciprocal with mutual respect, to faithlesse men bind not.*

Sect. 6. *A conditional oath binds only, when the condition is put.*

Sect. 7. *An oath is onely a personal Bond ordinarily.*

Sect. 8. *An oath to a person may bind the swearer to perform it to his heir.*

Lect. 19. *Of oaths of Societies, contrary to a former oath of things impossible.*

Sect. 1. *Oaths for observing Statutes of Societies bind agreeably to the end of them.*

Sect. 2. *An oath of a man far gon in drink or passion binds not.*

Sect. 3. *Customary, Complemental oaths, in fashion, and jest do bind.*

Sect. 4. *A later oath contrary to a former binds not.*

Sect. 6. *An oath may be and is to be kept tho imposed unduly.*

Lect. 20. *Of oaths of things unlawful, and loosing the Bond of an oath.*

Sect. 1. *Oaths of things unlawful bind not.*

Sect. 2. *Some oaths of things unlawful by accident may bind at another time.*

Sect. 3. *Oaths bind notwithstanding temptations and scandals.*

Sect. 4. *Oaths are indispensable by Humane Authority.*

Sect. 5. *The Pope of* Rome *cannot by his dispensation loose oaths.*

Sect. 6. *The Keys, binding and loosing,* Mat. 16. 19. *give no power to loose oaths.*

Books

Books heretofore Published by the Author, unto which some reference is here made.

Ve Scandalizantium, or a Treatise of Scandalizing; its nature, sorts, effects with resolution of many cases about it; to be sold by *Richard Royston* at the Angel in *Ivy Lane* in *London*.

True Old Light, in nine Sermons on *John* 1. 9. against the Quakers, to be sold at the sign of the Bible and Anchor in *Pauls Church-Yard* by *Jane Underhill*.

To be sold by Andrew Crook *at the* Green Dragon *in* Pauls *Church-Yard.*

Romanisme discussed, or an Answer to the nine first Articles of *H. T.* his *Manual* of *Controversies* about the *Succession* in the Popish and Protestant Churches, their Visibility, Verity, Sanctity, Catholicism, Infallibility, the Popes *Supremacy*, Unwritten Traditions, Heresie and Schism of Protestants.

A Serious Consideration of the Oath of the Kings *Supremacy*, and a *Supplement* thereto.

There are some Errata in Hebrew *and* Greek *Letters, Accents, Numbers, Pointings, Disappearing of Letters, Misplacing of some words, which are obvious to the Learned and Intelligent, and not perverting the sense, the chiefest I find are thus to be amended.*

PArt 1. Lect 1. p. 7 l. 36 r. pelerabis. Lect. 2. p. 13. l. 38. r. that which p. 16. l. 31. r. 8. 7. Lect. 3. p. 22. l. 7. r. memory l. ult. r. [illegible] p. 24. l. ult. r. spies be an oath? p. 28. l. 14. r. are forms of. Lect. 40. p. 30. l. 19. r. the like is p. 32. l. 2. r. speech confirmed l. 11. r. church. p. 36. l. 21. r. imprecation p. 37. l. 6. r. *Jude*. p. 38 l. 17. r. Appion. Lect. 5 p. 43. l. 33. r. their. p. 48. l. 33. d. as. Lect. 6. p. 57. l. ult. r. 3. Lect. 7. p. 81 l. 19 r. rending p. 84. l 10. r Grammar. p. 88. l. 31. r. knew. p. 89. l. 31. r. malefactors. p. 94. l. 24. r. that which. l. 27. r. to which p. 100. l. 23. r. in their l. 25. r. be. l. 38. r. an. p. 108. l. 30. r. Lord. Lect. 8. p. 113. l. 15. r. &c. Lect. 9. p. 123. l. 29. r. perperam. p. 124 l. 1. r. 4. 2. l. 4. r. it of. p. 133. l. 38. r. *Glaucus*.

Part. 2. Lect. 10. p. 2. l. 7. r. fourth p. 14. l. 20. d. it. Lect. 11. p. 26. l. 26. r. sincerity Lect. 12. p. 36. l. 12. r. 4. p 40. l. 20. r. fast. l. 23. r. prodigious. p. 41. l. 17. r. other Lect. 13. p. 48. l. 5. r. justifie p. 49. l. 35. r. 1, 2, 3. p. 50. l. 3. r. is to look. p. 53. l. 13. r. undermine. Lect. 14. p. 57. l. 5. r. chargeth p. 64. l. 25. r. fidelity. p. 65. l. 26. r. distinguishing. Lect. 15. p. 69. l. 26 r. manuscript. p. 70. l. 20. r. statute. p. 71. l. 27. r. recompense. p. 72. in the margin. r. 63. p. 74. l. 34. r. I say. p. 75. l. 22. r. *David* p. 77. l. 16. r. oaths l. 22. r. 2. 38. p. 80. l. 13. r. exceptions p. 81. l. 3. r. detractions l. 30. r. inquisitory. Lect. 16. p. 93. l. 25. r. fourtith p. 94 l. 10 r. 4, 5. p. 95 l. 17. r. nor. Lect. 17. p. 99 l. 20 r. occurred. p. 102, l. 14. r. subtilty. p. 103. l 5. r. 18. p. 110 l. 20. r. tends. Lect. 18. p. 127. l. 2. r. may. Lect. 19. p. 128. running title r. statutes of p. 131. l. 19. r. dissolve p. 137. l. 2. r. 17. Lect. 20. p. 145. l. 19. r. religion p. 149. l. 14. r. suppositious.

In table of the contents Lect. 1. Sect. 9 r. grievously.

A TREATISE Of SWEARING,

Formed out of certain Catechetical Lectures on the third Commandment,

Exod. 20. 7. Deut. 5. 11.

Thou shalt not take the Name of the Lord thy God in vain, for the Lord will not hold him guiltless that taketh his Name in vain.

PART. I.

Lect. 1. Of the meaning of the third Commandment.

§. 1. OF the Laws delivered by God to *Moses* for the people of *Israel* in the Wilderness, after their coming out of *Egypt*, this distinction is received, that some were Ceremonial, as belonging to the peculiar service of

§. *The* 3d. *Commandment is confessedly moral.*

Sect. 1. God injoyned to the *Israelites*; some Judicial, as appropriate to their Commonwealth, and its Government; some Moral, as belonging to the manners of all Nations, as well as the *Israelites*: Of this last sort is without controversie the third precept in the Decalogue, reckoned the second by the Romanists, who either leave out the second Commandment in their Catechisms, as counting it peculiar to the *Jews*, or joyn it to the first, as an Appendix to it, that it may be imagined, that it onely forbids the making Images of false Gods, and so endeavour to palliate, or cloke over their filthy and abominable picturing, and adoring Images of the eternal onely true God, who is an incomprehensible spirit, *whom no man hath seen, nor can see* in his mortal condition, nor will be worshipped by any humane resemblance, but *in spirit and truth*, John 4. 24. But there are so many passages in the New Testament against Idolatry and Idols, as cause all, that have not the spirit of whoredom in the midst of them, to detest Popish imagery, and it's Worship, and to abhor the deceit of the Popish Doctors in their ungodly dealing with the second Commandment. There hath been also much dispute among Protestants about the morality of the fourth Commandment with Papists the third. But of the third, as we reckon it, delivered *Exod.* 20. 7. *Deut.* 5. 11. there is no question, that I know, of it's morality.

§. 2. *A proposal of the terms to be explained.* For clearing whereof it is to be observed, that it is in form Negative, and contains a Prohibition [*thou shalt not take the name of the Lord thy God in vain*] and a Reason of that Prohibition, from the danger of the breakers of the Commandment [*for the Lord will not hold him guiltless that taketh his name in vain.*] For understanding whereof it is necessary to explain. 1. Who is *the Lord*. 2. Who are they of whom it is said [*thy God.*] 3. Why he is termed their God. 4. What is meant by *his Name*. 5. What it is *to take his Name*. 6. What it is *to take it in vain*. 7. What is meant by *not holding him guiltless*. 8. Why *the Lord will not hold him guiltless that taketh his name in vain.*

§. 3. *Of the term* Jehovah. The word in the *Hebrew* translated [*the Lord*] is *Jehovah*, as according to the now received punctation it is pronounced, and it is counted, especially by the *Hebrews*, as the most proper, incommunicable, and unexpressible name of God. That it is the most proper name of God is manifest, in that when *Moses* ask'd God what name he should give him, he appoints him to use this

this name, *Exod.* 3, 15, 16. where *v.* 14. he makes a deſcription of it ſhewing what it imports, when he ſaith [*I am that I am*] and [*I am*] which is an evidence, that as it comes from the *Hebrew* root, which ſignifies [*he was*] ſo it notes his peculiar being, and therefore is conceived to be rendred by *John*, Rev. 1. 4. *who is, and who was, and who is to come*, noting thereby his ſelf being, who derives his being from none other, and the eternal duration of his being, and alſo the communicating of being to all things, for which reaſon he is in the New Teſtament, eſpecially in the writings of *John* termed *the Father*. Exod. 6. 3. God tells *Moſes*, *And I appeared unto* Abraham, *unto* Iſaac, *and unto* Jacob, *by the name of God Almighty, but by my name* Jehovah *was I not known unto them*: which cannot be meant of the word, for God tells *Abraham*, Gen. 15. 7. that he *was* Jehovah *who brought him out of* Ur *of the* Chaldees *to give him the Land of* Canaan *to inherit it*, and *Abraham* beſpeaks him with this name, *v.* 8. *Lord* Jehovah *whereby ſhall I know that I ſhall inherit it*? And *Jehovah appeared to* Iſaac, *Gen.* 26. 24. and *he called on the name of* Jehovah, *v.* 25. And *Gen.* 28. 13. to *Jacob*, *I am* Jehovah, *God of* Abraham: therefore it is to be underſtood in reſpect of the effect of his promiſe, which was not accompliſhed to them as it was to their poſterity, when they were brought out of *Egypt*, and ſetled in *Canaan*. Now this word [*Jehovah*] both by the *Greek* of the Old Teſtament and New, and ſo by our *Engliſh* Tranſlators is for the moſt part rendred by [ὁ Κύριος the Lord] which notes propriety and dominion, and ſo is given to God as being moſt rightfull owner, and abſolute ſovereign over all, *Lect.* 1.

The term [*thy*] is in the firſt place referred to the people of *Iſrael*, of whom he ſaid, *Exod.* 20. 1. *Deut.* 5. 6. *I am the Lord thy God, which have brought thee out of the Land of* Egypt. But not ſo as that he is the God of none other. *Rom.* 3. 29. *Is he the God of the* Jews *onely? Is he not alſo of the Gentiles? Yea, of the Gentiles alſo*, who are termed *the* Iſrael *of God*, Gal. 6. 16. *by faith in Chriſt Jeſus*, Gal. 3. 26. as being *new Creatures in him*, Gal. 6. 15. For ſince *God hath fulfilled his promiſe made to* David *of raiſing up Chriſt to ſit on his Throne*, Acts 2. 30. and 13. 32, 33. and hath thereby *declared him to be the ſon of God*, *Rom.* 1. 4. and is now ſtyled *the God and father of our Lord Jeſus Chriſt*, Epheſ. 1. 3. all thoſe that are Chriſts people are *the kinred of Chriſt*, as having their deſcent from his father, §. 5. Jehovah *is God of Gentile believers as well as* Jews.

Sect. 1.

Epheſ. 3. 15. and thereby it comes to paſs, *that he is not aſhamed to be called their God*, Heb. 11. 16. by reaſon of the new Covenant he hath made with them, *Heb.* 8. 10.

§. 5. *The relation* [thy God] *notes a mutual reſpect.*

The term [*elohe*] tranſlated [*God*] is in the plural number, and for the moſt part ſo uſed, yet *Job* 3. 4. and 4. 9, 17. &c. *Hab.* 3. 3. it is in the ſingular number [*eloah.*] Divers conjectures there are about the root of it, the moſt probable is that there was a root [*alah,*] ſignifying worſhip, in uſe among the *Hebrews*, though not found in the Bible, there being in the *Arabick* (which with the *Chaldee* are judged to be Dialects of the *Hebrew*) a Verb [*aleha*] which ſignifies *coluit, he worſhipped*, and [*elahan*] from that root being the ſame with [*eloah*] in the *Hebrew*, becauſe of the worſhip given to God, and ſo ſeems to anſwer to σέβασμα uſed 2 *Theſ.* 2. 4. and elſewhere. And it is applied to falſe Gods, *Exod.* 22. 20. to holy Angels, *Pſ.* 8. 6. and 97. 7. compared with *Heb.* 1. 6. and 2. 7. to Judges and Magiſtrates, *Exod.* 21. 6. & 22. 8, 9, 28. compared with *Acts* 23. 5. *Pſ.* 82. 1, 6. compared with *John* 10. 34. and it is uſed in the plural number, when it is applied to one Angel, *Judges* 13. 22. to one Idol, *Judges* 16. 23, 24. to one Magiſtrate, *Exod.* 4. 16. and 7. 1. to one perſon in the holy Trinity, *Pſ.* 45. 7. the father, *Heb.* 1. 8, 9.

Now the reaſons of this appellation [*thy God*] are, 1. In reſpect of thoſe to whom he is God, becauſe they own and worſhip him, and truſt in him, as *Chemoſh* is the *God of the Ammonites*, Judge 11. 24. *Dagon* of the *Philiſtines*, Judges 16. 23, 24. becauſe they worſhipped them, other Gods the Gods of the *Iſraelites*, becauſe *they choſe, and ſerved them*, *Judges* 10. 13, 14. on the other ſide *Jehovah* is *Iſaack's* God, becauſe *he feared him*, Gen. 31. 53. *Hab.* 1. 11. *O Lord, my God, mine holy one*, becauſe his name was hallowed by him, ſo *Jacob* promiſeth, *Gen.* 28. 21. *he ſhall be his God.* 2. He is ſaid to be their God on his part, becauſe of his Creation, Protection, Proviſion, Help, Guidance, and other benefits beſtowed on them by him, *Luke* 20. 37, 38. and thus in the great promiſe of being a *God to* Abraham *and his ſeed*, Gen. 17. 7, 8. God promiſeth ſalvation, juſtification, hearing of Prayers, taking them for his portion, and his peculiar Treaſure, as may be gathered from many Texts, *Rom.* 3. 29, 30, &c. when God is ſincerely and truly owned on the one part, and God really owns them on the other part, then are they mutually and reciprocally ſaid one to be the God of that people, and they to be people of that God as correlate to him, *Heb.* 8. 10.

The

Lect. 1. §. 6. *The name of God signifies his appellations, and what pertains to his greatness.*

The name of God is variously taken in holy Scripture. 1. For the proper name, appellation, and attribute, by which he is distinguished from others, as when *Moses* asked God, what he should say to the *Israelites*, when they asked what his name was, he said, *I am that I am, the Lord God of your fathers, this is my name for ever*, Exod. 3. 13, 14, 15. 2. The name of God signifies God himself, *Psal.* 69. 30. *I will praise the name of God*, is all one with, I will praise God, *v.* 36. *they that love his name*, that is, they that love God. 3. It signifies the power of God, as when it is said, *the name of the Lord is a strong Tower*, Prov. 18. 10. that is, his power and might. 4. It signifies the help of God, as when 'tis said, *Psal.* 118. 11. *In the name of the Lord I will destroy them*, that is, by the aid of God I will destroy them. 5. It signifies the Authority and Commission of God, *James* 5. 10. *take the Prophets who have spoken in the name of the Lord for an example*, that is, by Authority and Commission from God. 6. It signifies the worship and service of God, as when it is said, that *it was in* Davids *heart to build an house for the name of God*, 1 *Kings* 8. 17. the meaning is, for his worship and service. 7. When it is said by *Solomon*, 1 Kings 8. 41. *when the stranger cometh out of a far Country for thy names sake*, the meaning is, because of the fame, and report which is made of thee, as *v.* 42. shews. 8. When it is said, *Michah.* 4. 5. *we will walk in the name of our God*, it is meant in the profession and observance of his Religion, Truth, Worship, and when it is said *John* 17. 6. *I have manifested thy name unto the men that thou gavest me out of the World*, and *Heb.* 2. 12. *I will declare thy name unto my brethren*, the name signifies the Truth, Doctrine, and Revelation he had from God. Now in this third Commandment we may well conceive to be meant the proper names of God, his attributes, reports of God, his Praise, Word, Truth, Worship, Authority, and what ever pertains to his regality.

§. 7. *The taking of Gods name is in our speeches, chiefly by swearing.*

The word translated [*thou shalt not take*] is in *Heb.* לא־תשא from נשא, which among other significations signifies [*to take*] and accordingly it is rendred in the *Greek*, Exod. 20. 7. Deut. 5. 11. οὐ λήψῃ, in the vulgar *Latin*, Exod. 20. 7. *non assumes*, Deut. 5. 11. *non usurpabis*, in the *Tigurin*, Exod. 20. 7. *ne sumas*, Deut. 5. 11. *non sumes*, *Ainsworth*, *thou shalt not take up*] *to wit, upon thy lips or mouth* (*as this phrase is opened in* Psal. 16. 4. *and* 50. 16.) *that is, not speak, use, or mention. So to take up a proverb*, Esa. 14. 4. *to take up a lamentation*, Ezek. 26. 17. *is to speak*.

Lect. 1. *ſpeak or utter the ſame. So Grotius non aſſumes*] *nempe in os ſuum*, Pſal. 15. 3. it is uſed for a report, when it is ſaid, *nor taketh up a reproach againſt his neighbour*, our tranſlation in the Margin, *or receiveth, or endureth.* The word alſo ſignifies to bear or carry, which Metaphor is applied to ſpeech, as when *Paul* is ſaid *Acts* 9. 15. *to be a choſen veſſel* βαστάσαι τὸ ὄνομα, *to bear Chriſts name before Nations and Kings, and the Children of* Iſrael, to wit, by preaching and confeſſing the Goſpel of Chriſt. Sometimes the word without any other thing adjoyned ſignifies to ſwear, as *Iſa.* 3. 7. נִשָּׂא *In that day ſhall he ſwear*, uſing the Metaphor of bearing, and ſo notes ſpeech, or lifting up the hand, which was an uſual ſign of ſwearing. *And to this one particular of ſwearing the* Chaldee *reſtraineth it, thou ſhalt not ſwear by the name*, &c. *And the* Thargum *called* Jonathans, *thus, my people the houſe of* Iſrael, *let not any of you ſwear by the name of the word of the Lord your God in vain, as* Ainſworth *cites it*, who adds, *though ſwearing be a principal thing here intended*, Eſa. 48. 1. *yet the precept is more large, forbidding all unreverent, and unholy uſe of Gods name, in heart, mouth, or action: and commanding the ſanctifying thereof, as it is holy and reverend*, Matth. 6 9. Pſal. 111. 9. *and to ſwear by the ſame*, Deut. 6. 13. *Name*] *that whereby God hath made himſelf known; as his titles and attributes*, Ex. 3 4 5 6, 7. *his Word, Law, Goſpel*, Deut. 32 3. Act. 9. 15. (*as the Law of Chriſt*, Eſa. 42 4. *is expounded to be his name*, Mat. 12. 21.) *alſo prayer*, Gen. 4. 26. *and Gods whole Worſhip, and all Ordinances pertaining thereto*, Deut. 12. 5. Mal. 1. 11, 12. Mic. 4 5. *his Sacraments*, Mat. 28. 18, 19. *cenſures*, 1 Cor. 5 4, 5. Mat. 18. 20. *and whatſoever belongeth to Chriſtian Religion is compriſed in this name of God. That as the ſecond Commandment teacheth us wherewith to ſerve the Lord; ſo this third directeth us unto the holy uſe of all Religion, in heart, profeſſion, and action.* But allowing that which he ſaith about the extent of the term [*name of God*] though it be not clearly proved, I ſee not any evidence brought by him to ſhew, that the taking of Gods name is meant of any other uſe of it than in ſpeech, and therefore like not his reducing ſo much to this Commandment: I think it more agreeable to the expreſſions uſed by God to reduce Religion of the heart to the firſt, of the Members in adoration, and viſible ſervice to the ſecond, of the Tongue to the third, and of the time to the fourth Commandment: And though I will not reſtrain the Religion of the Tongue to right ſwearing, yet I

ſhall

shall chiefly and primarily apply my self in opening this Commandment to handle the point of swearing as it belongs to a Theological consideration. *Lect.* 1.

The expression rendered [*in vain*] is in *Heb.* לַשָּׁוְא, which is by the *Greek* version rendered ἐπὶ ματαίῳ, *Exod.* 20. 7. *Deut.* 5. 11. by the vulgar *Latin* Exod. 20. 7. *in vanum*, Deut. 5. 11. *frustrà*, by the *Tigurines vanè*, others *temerè*, *rashly*, *Piscat. schol.* in *Exod.* 20. 7. *in vanum, seu, vanè; laschau, id est, ad vanitatem, vel secundum vanitatem: ut vel finis notetur, vel modus seu forma.* The *Dutch annot.* Heb. *take up for vanity the name*, &c. Notes in the *Archbishop* of *Yorks* Library, *aut leviter aut fallaciter.* *Ainsworth* thus, *in vain*] *or to vanity; which word implieth also falsity* (*as after in* v. 16.) *and so it is used to denote false Religion or Idolatry*, Jer. 18. 15. Jon. 2. 9. *false Doctrine, Error, Heresie*, Lam. 2. 14. Ezek. 13. 6. 7. *but commonly vain and fruitless speaking or doing, whereof no good cometh*, Psal. 127. 1, 2. Esa. 1. 13. Jer. 4. 30. and 6. 29. *So two things chiefly are here forbidden; the mentioning or using Gods name, in word or deed, when it should not be used, for that there is no just cause so to do: secondly the using it amiss, when duty bindeth us to use it with fear and holiness. As swearing when there is no cause of an Oath*, Mat. 5. 34. *and swearing falsly*, Levit. 19. 12. *swearing and not performing*, 2 Chron. 36. 13. *vowing and not paying*, Deut. 23. 21. *vain praying, in respect of matter or manner*, Job 35. 13. Matth. 6. 7. *corruption in teaching, or hearing the word of God*, Ezek. 21. 29. 2 Cor. 2. 7. Matth. 13. 19. Ezek. 33. 31. *abusing the word to unlawfull arts, superstition, jesting, profaneness*, Deut. 18. 11. Esa. 66. 5. *abuse of the Sacraments and holy Mysteries*, Mal. 1. 11, 12. 1 Cor. 11. 27, 29. Jer. 7. 4, 10. *abuse of Ecclesiastical censures*, Esa. 66. 5. *abuse of Lots*, Esth. 3. 7. Prov. 16. 33. *Hypocrisie in any religious work*, Matth. 15. 7, 8, 9. *and all unbelief*, Rom. 14. 23. Jam. 1. 6. *a sinfull conversation whereby the name of God is blasphemed among the Gentiles*, Rom. 2. 24. *with whatsoever else is contrary to the sanctifying of Gods name; which on the other part is here commanded*, Levit. 22. 31, 32. *Grotius annot. ad* Exod. 20. 7. *In vanum id est, falsò: non petierabis. Idem enim est* שָׁוְא *&* שֶׁקֶר, *ut in præcepto nono apparet collato hoc Exodi Capite cum altero Deuteronomii, ubi Græci ponunt utroque loco* ματαίως. *Dr. Henry Hammond* in his *practical Catechisms*, lib. 2. sect. 8. *The third Commandment in* Exodus [*thou shalt not take the name of the Lord thy God in vain*] *is no more undoubtedly than* [*thou shalt not forswear thy-*

§. 8. *The taking of Gods name in vain is in our speech chiefly by false swearing.*

Lect. 1. *self*] if either Christ may judge, who saith so, Matth. 5. 33. or the importance of the words in the Original be observed. For to take or lift up the name of God, is an Hebrew style to swear; and the word [vain] and [false] is all one, as 1. the Hebrew Writers generally acknowledge, 2. that of [ἀργὸν ῥῆμα, idle word] enforceth, Matth. 12. 36. being there applied to that not only vain, but false speech, v. 24. [He casts out Devils by the Prince of Devils,] 3. because שָׁוְא the very word that Exod. 20. 7. is rendred vain in the third Commandment, is used Deut. 5. 18. in the ninth Commandment for (and is so rendred by us) false witness: and so Psal. 24. 4. lifting up the Soul unto vanity (that phrase of lifting up the Soul referring to that form of swearing by the life) is expresst in the next words, sworn deceitfully. By all which it is clear, that to take Gods name in vain is to forswear ones self. There is no other place that I know where the phrase is used as *Exod.* 20. 7. *Deut.* 5. 11. For though *Psal.* 139. 20. our Translators read [*thine Enemies take thy name in vain*] and there the Verb is the same, which we render by [*take up, or lift up*] and the word the same which we render [*in vain*] yet the Noun [*thy name*] is not in the *Hebrew*, but is put in after the *Tigurines*, who read *usurpant* [*nomen tuum*] *temerè*, the *Greek* Reads λήψονται εἰς ματαιότητα τὰς πόλεις σου, and the vulgar Latin *accipient in vanitate civitates tuas* or *tuas*, as some M. S. read, as if it came from עִיר *Urbs*, a Citie, and not from אוֹיֵב *inimicus*, an Enemy, and others read otherwise than our Translators, as *Hieronie* out of the *Hebrew elevatisunt frustrà adversarii tui, Tremellius, qui extollunt vanè inimicos tuos. Diodati hanno giurato a menzogna*, who swear lies. The other place is *Prov.* 30. 9. where the Verb is altered into וְחָשַׁוְתִּי and אֱלֹהָי left out, and in the *Greek* version, (wherein the words are placed between the 22. and 23. verses of the 24th. Chapter,) it is thus rendred, καὶ ὀμόσω τὸ ὄνομα τοῦ θεοῦ, in the vulgar *Latin*, *perjurem nomen Dei mei*, in the *Tigurin abjurem nomen Dei mei*, by *Tremellius, abutar nomine Dei mei, Pisc. schol. Hebr. attrectem nomen. Mercerus. Abutar nomine Dei mei*] *scil. pejerando ad comparandum divitias, vel ad negandum furtum. Diod. espergiuri il nome delli Iddio mio, that I forswear not the name of my God.* Out of all which I infer that Dr. *Hammond* and *Grotius* do rightly say, that the signification of [*thou shalt not take the name of the Lord thy God in vain*] is, thou shalt not forswear thy self, or use the name of God in swearing falsely. Yet with in 1 *Sam.* 15, 21. *Jer.* 2. 30. & 4. 30. *Mal.* 3. 14. *Ps.* 127. 2.

and

and elsewhere the Noun שוא signifies *in vain, without fruit, success, unnecessarily, without cause*; that sense, which is commonly followed, that it forbids vain Oaths, and such speeches, as wherein the name of God is profanely used without due reverence belonging to it, is to be received also, not extending the precept to all those things, which Mr. *Ainsworth* comprehends under the name of God, nor to other actions besides speech, but following herein the use of the Verb, *Psal.* 15. 3. and 16. 4. and 50. 16. and elsewhere with *Zanchius*, *Andreas Rivetus*, and others, we are to understand it of speech onely, yet especially of vain or rash Oaths, לשוא being rendred by *Aquila* εἰς ἐκεῖνο, and by the *Greeks* by μάταιον, ματαιότητα, ματην, κενον, in sundry places, which express vanity, emptiness, unprofitableness, that which is unnecessary, but chiefly false Oaths, שוא signifying falsehood in in speech, *Deut.* 5. 18. *Psal.* 12. 3. *Exod.* 23. 1. and many more places. *Lect.* 1.

The term לא ינקה is by the *Greeks* οὐ μὴ καθαρίσῃ, which is, *will by no means cleanse*, that is (as purging and cleansing are often used to signifie) *will by no means absolve, acquit, forgive*, as it is used, *Exod.* 34. 7. or as our Translators render it, *hold him guiltless*; the vulgar *Latin*, *nec enim habebit insontem*, Exo. 20. 7. *non erit impunitus*, Deut. 5. 11. *Tigur. neutiquam impunitum dimittet*, *Piscator schol. in* Exod. 20. 7. *non relinquet impunem*, Hebr. *non innocentabit, si ita loqui liceat, non habebit pro innocente, id est habebit pro nocente*, λύσῃς, h. e. *puniet, metonymia efficientis*. *The word* saith *Grotius on the third Com. in his explication of the Decalogue, is in Hiphil, of such kind words often signifie not to make such, but to handle as such. So God is said not onely* הצדיק *to handle as just, but also* הרשיע *to handle as wicked: so here to cleanse is to pass by as guiltless: The sense is, He will not leave him unpunished, which is an extenuation, as that* Matt. 12. 32. *and elsewhere often, for that which should be said, he will most grievously punish. Ainsworth on* Exod. 20. 7. *Guiltless*] *or clear, innocent*: that is, *he will not leave him unpunished*: (*so the phrase signifieth as it is opened in* 1 Kings 2. 9.) *but he shall be plagued in this World, or in that which is to come*; as *Targ. Jonathan paraphraseth, the Lord will not hold him just* (*or innocent*) *in the great day of judgement*. Whereby God would have it understood, that though the Perjured person thinks he can so cover his sin from the eyes of men, that they shall not discern it, or elude their hands, that they shall not reach him, yet God doth discern his wickedness,

§. 9. *Gods not holding guiltless, is by a figure of extenuation of speech, he will most grievously punish.*

Lect. 1. will not forget it, will not connive at it, but will most heavily punish it in this world, or that which is to come, or both.

§. 10. *Reasons of the heavy vengeance allotted to Perjury.* The reasons of this sore vengeance are from the nature of this sin, the cause, and effects of it. 1. The nature of this sin is such as that, next to Atheism, Idolatry, Witchcraft, and open expres blasphemy, it is the greatest. For he that swears by the name of God falsly doth deal with God as if he were but an Idol, that hath eyes and sees not, hands, and handles not. He pretends to avouch God as all seeing and all knowing, as just, and mighty to punish, as he in whom is his hope, whose help and favour he prizeth as his chiefest good, and would not by any means forfeit or lose: and yet he doth but mock God, and play with him, and in effect reproach or blaspheme him, as if he had said, *Job* 22. 13. *How doth God know? can he judge through the dark Cloud? Thick Clouds are a covering to him, and he walketh in the circuit of Heaven*, or as *Psal.* 73. 11. *How doth God know? and is there knowledge in the most High?* or as *Psal.* 94. 7. *The Lord shall not see, neither shall the God of* Jacob *regard it*: he carries himself towards God as if he imagined God like unto *Baal*, when *Elijah* mocked the *Baalites*, bidding them *cry aloud: for he is a God, either he is talking, or he is pursuing, or he is in a journey, or peradventure he sleepeth, and must be awaked*, 1 *Kings* 18. 27. or as if he thought with the *Epicureans*, that God onely minds the things of Heaven, and meddles not with humane affairs; or else, as if he thought *God were altogether such a one as himself*, Psal. 50. 21. a God like *Homers Jupiter*, or *Mars*, or other feigned Gods, Unrighteous, Wanton, Thievish, Blind, Impotent, bound by Fate, or opposite Deities. In a word, wilfull Perjury doth involve in it such debasing and disparaging conceits of God, either actually, or virtually, as make God like the worst, or weakest of men, and that too with the most arrant dissembling and Hypocrisie that can be, even then when by one of the most solemn acts that are, his Greatness, Omniscience, Justice, Truth, and Soveraignty seems to be avouched.

2. The cause also adds to the greatness of the sin, sith it ariseth from Atheism or Infidelity, which are great sins, in that they shew alienation from the God that made them, and the Rock that formed them. For how else could it be, that the being, and providence, the eternal power, and Godhead of the Divine

vine Majesty, being as legible as if it were written with greater Characters, in the forming, ordering, providing for themselves and all the Creatures, should not be discerned and dreaded? and if discerned and dreaded, how durst any man as it were play with Gods name by evil swearing, were there not much estrangedness in such persons from God, and the life that is in him, by Atheism and unbelief? God truely acknowledged will be really feared, and if feared indeed, his name will not be abused, and therefore the profaning of his name by false and vain swearing, in right construction, shews unbelief and denial of God. *Sect.* 1.

3. The effects of this evil swearing are also very pernicious. For evil swearing tends to contempt of God, and consequently irreligion, which makes men wild, cruel, fierce, audacious, and of dissolute lives. Besides, where there is no fear of an Oath, there can be no assurance of mens truth in what they say, or sincerity in what they promise, which if questioned, jealousies and distrusts break in like a flood, and these bring in contentions, incurable and innumerable, and break down the vigour of Laws and judicial proceedings, which are the banks to keep in the inundation of contentions, and loose the ligaments and bonds, whereby human society is fastned, and converse continued. How shall Leagues and Contracts be any mans security? how shall judicial proceedings be any mans help against injury and oppression of men, if men, as *Lysander* the *Lacedæmonian* once said, *play with Oaths as Children do with Dice*? Wherefore this sin of taking Gods name in vain, God will certainly most severely punish, as tending these direful effects to destruction of true Religion towards God, and peaceable society of men together, and, in very truth Giantlike warring against Heaven & Earth. VVhence I infer 1. That all that are any whit guilty of this great sin have cause to be deeply humbled before God for it, and to seek expiation for it, and wherein they have injured men by it, to confess it to men, and to make compensation to them of the injury, as far as is requisite, and they shall be able.

2. That one reason of the many judgements on Nations, and Families, is, because of this sin, according to that of the Prophet *Jerem.* 23. 10. *because of swearing the Land mourneth*, and the Vision of the flying roul, *Zech.* 5. 3. which noted *the Curse that goeth over the face of the whole Earth, which was to enter into the house of him that sweareth falsly by the name of*

Lect. 2. *God, and to remain in the midst thereof, and to consume it with the Timber thereof, and the stones thereof*, v. 5. God threatning to *come neer to judgement, and to be a swift witness against the false swearers, as against the Sorcerers, the Adulterers, those that oppress the hireling in his wages, the widow and the fatherless, and that turn aside the stranger from his right*, Mal. 3.5.

3. That it behoves all that would avoid Divine vengeance, to take heed of this sin, sith God hath so expresly threatned certain punishment to it. The horrid nature of it is enough to deter men from this sin, which even the light of natural conscience hath affrighted many Infidel Heathens from, who have also observed the justice of God overtaking them that have dared to commit it: much more should Christians dread it, who should know God better, and have cause to expect greater vengeance on them, if guilty of it, as sinning against greater light.

4. That it concerns Law-makers, and Judges, to imitate God in being very severe against them that wittingly commit this sin, sith it doth so directly impugn the Divine Majesty, and is very pernicious to human society.

Lect. 2. Of the definition of an Oath.

Exod. 20. 7. Deut. 5. 11. *Thou shalt not take the name of the Lord thy God in vain*, &c.

§. 1. *The notation of words signifying Oaths, in* Hebr. Greek, Latin, English.

HAving opened the meaning of the third Commandment, and shewed that the chief thing therein forbidden is false swearing, it will be requisite to declare the nature, forms, rites, kinds, rules of swearing, and to resolve cases of Conscience concerning right swearing, and the obligation of Oaths. The first question to be resolved is what swearing is, and concerning it we are to consider what is the notation of the word, and then what is the definition of the thing. In the *Hebrew* swearing is expressed by שבועה from נשבע in *niphal* the passive voice, which should therefore rather signifie to be bound by Oath, than to swear; the reason of which is rendred by *Rivet* on *Exod.*

Exod. 20. *prac.* 3. *q.* 1. *de juramento*, to be, *because no man ought to swear unless lawfully moved to it.* Some would have שבע to *swear* to come from שבע *seven*, because Oaths are instead of many witnesses, or have many witnesses: But such conceits I leave to them that affect them. In *Greek* ὅρκος *an Oath* is so termed, as if it were as much, as ἕρκος a *Hedge*, *Wall*, or *Mound* from εἴργω to *straighten*, *limit*, or *keep in*, or ὅρος a *boundary*, because either the swearer is bound by it, that he may not wander from it, and therefore in Scripture it is termed *vinculum animæ*, *the bond of the Soul*, Num. 30. 3. or it puts bounds to controversies, and therefore is termed, *Heb.* 6. 16. ἀντιλογίας πέρας *th: determination of strife*, or *contradiction*, or is *firmamentum veritatis*, *Synops. Leydens. disp.* 20. The *Latins* do term an Oath *juramentum* and *jusjurandum*, and some distinguish them, as if the later noted an Oath in judicial proceedings, the former out of judgement: both are taken from *jus*, (tho *Lipsius elect.* l. 1. c. 18. saith out of *Ennius*, *jus jurandum* is *quasi Jovis jurandum*) which signifies *Law*, or *Right*, because it confirms right, or is as a Law to men, or is imposed by Law, or serves to the executing of Laws. *Lumb.* l. 3. *sent. dist.* 39. out of *Augustin. tom.* 10. *serm.* 28. *de verbis Apostoli*, *quid autem est jurare nisi jus Deo reddere*, *quando per Deum juras? what is it to swear but to render right to God when thou sweareſt by God?* But this is but a quillet. The *Romans* called their military Oath, (which, as *Herodian* in his eighth book saith, was τῆς Ῥωμαίων ἀρχῆς σεμνὸν μυστήριον, *the venerable mystery of the* Roman *Empire*) *Sacramentum*, as being a sacred thing to beget the more awe in the Souldiers to their General: which word hath been since applied to all sorts of holy things: but in Ecclesiastical use, and in common speech a-among Christians is now appropriated to those special Christian rites, which we term Sacraments. In the *English* language there are two words, *Oath*, which seems to be a primitive *Saxon* word, and *swearing*, which may be conceived to be from asseveering, assuring, or suring.

Sect. 2.

Sum. Angel. in Juram: unde dicitur jurare, quia quasi pro jure introductum est: ut quod sub invocatione divini testimonii dicitur, pro vero habeatur.

As there are various notations of the words signifying swearing, so there are various descriptions or definitions of the thing given. In *Aristotles Rhetorick to King Alexander*, c. 18. it is thus described, *an Oath is a saying*, or *speech*, *affirming which is not otherwise to be proved*, *or wants demonstration*, *with Divine veneration*, *or regard to God*, in Gr. μετὰ θείας παρρησίας φάσις ἀναπόδεικτος. *Cicero* in the 3d. of his *Offices*, where he treats of *fortitude*

§. 2. *Various definitions of an Oath by Philosophers and Divines antient and modern are premis'd.*

Lect. 2.

tude deſcribes it to be *a religious affirmation*, that is, as he after explains it, as *if God were witneſs*, and in another place of the ſame book he ſaith, *when he that is ſworn is to give his ſentence, let him remember that he taketh God to witneſs.* And much to the ſame purpoſe others define it, as *Aug.* on *Pſal.* 109. v. 4. *To ſwear is to take God for witneſs*, Aqui. 2ª. 2ª. *q.* 89. *art.* 1. *To ſwear is to call God to witneſs.* The Popiſh Caſuiſts ſomewhat more largely define it, as in *ſumma Angelica* in *Juramentum*, an Oath is defined *an affirmation or negation concerning ſome lawfull, poſſible, and honeſt thing, confirmed by atteſtation of ſome ſacred thing. Azorius* the Jeſuit, *lib.* 11. *inſtitut. moral.* c. 2. it is an *affirmation or negation confirmed by the atteſtation of ſome ſacred thing, others*, ſaith he, *define it an act, in which we uſe the divine name, that we may cauſe belief.* Perkins *caſes of Conſc.* l. 2. c. 13. ſect. 1. *An Oath is a religious and neceſſary confirmation of a thing doubtfull, by calling God to be a witneſs of truth, and a revenger of falſhood. Calvin* l. 2. *inſtit.* c. 8. §. 23. *An Oath is an atteſtation of God to confirm the truth of our ſpeech. And Rivet*, in *Explic. Decal.* c. 20. *Exod. prac.* 3. *de Juram.* q. 1. defines it to be *a religious ſpeech confirming what is enunciated by us whether affirmative or negative, a religious appeal to a Deity being adjoyned.* The learned and reverend Dr. *Robert Sanderſon*, D^r. of the Chair in *Oxford*, now Biſhop of *Lincoln*, in his *firſt lecture of the obligation of an Oath*, ſect. 2. thus defines it, *an Oath is a religious act, in which to confirm a thing doubtfull God is called upon as witneſs*: which he after explains and gives reaſons of it by parts in ſeveral ſections. All which definitions or deſcriptions are ſet down by me as uſefull to the clearing of the thing, though I ſuppoſe it needfull for me to add ſomething thereto.

§. 3. *Many things are premiſed concerning the* genus *of an Oath, the difference of it from other things, Gods ſwearing and ours as preparatory to the deſinition of ſwearing.*

To make way for the better underſtanding of an Oath it is to be conſidered, 1. That all ſwearing is by ſpeech or ſuch ſignification as declares our mind: He that pronounceth an Oath or Covenant himſelf, and he that declares his aſſent to what another pronounceth by ſome geſture, as lifting up the hand, or action, as touching the Bible, (which is termed a Corporal Oath) or taking the Sacrament, is ſaid to uſe ſpeech by himſelf or another, and therefore the act of ſwearing is to be reduced not to relation, as if it were properly in that prædicament, as is ſaid in the aforeſaid *Lecture ſect.* 3. but to Oration, which however *Ariſtotle* in his *Categories* in the Chapter *de quanto* reduce

to

to the prædicament of Quantity, as having parts, though not lying together, but discrete or severed: yet, as he saith after of some other things, it hath onely quantity by accident and improperly, as when an action is said to be long, because of its time, so a speech is said to have parts, because of the time, one syllable being pronounced after another: but properly it is to be reduced to action, and is of the sort of transient actions, which pass from the agent, opposite to immanent actions, which abide in the agent, which therefore hath a double habitude of Agent and Patient, 2. It is to be considered, that as swearing is an action of speech, or utterance, so it is of such a speech, which affirms or denies, which Logicians call Enuntiation or Propositon, which hath alwayes expressed or implied a Verb substantive of the Indicative mood, saying, it is so, or not so, it was so, or not so, I will do so, or not so, it shall, or it shall not be; other imperfect kinds of speech are not Oaths, but as they include some such Enuntiation, though for brevity sake it many times be not expressed. 3. That every Enuntiation is not an Oath, but such as is more than a bare, or vehement affirming, or denying. Our Lord Christ when he terms it more than *yea yea, nay nay*, (which note not onely affirmation and negation, but also doubled, and so vehement and earnest denying or affirming) *Math.* 5. 37. doth intimate, that there may be asseverations, and protestations, and those in various expressions tending to give assurance of the truth of our speech, and yet not swearing. But in an Oath there is some religion, that is some respect to a Deity or invisible power, real, or imaginary, by way of allegation, agnition, address to, or invocation, as Witness, or Judge, or Avenger, or Arbitrator, or Helper, or under some other notion, or consideration pertinent to that action, for which reason it is said, men verily swear by a greater, *Heb.* 6. 16. 4. That all swearing doth not suppose a controversie, there may be swearing customary, and profane, where there is no controversie, nor doubt made, yet in its proper tendency, and of it self, an Oath doth suppose a doubt, either occasioned, or which may be, and is to be removed. 5. That there is a difference to be made between an Oath and a Vow, that a Vow is a promise: but in some sort of Oaths, as namely in assertory, there is no promise, and where there is a Vow it may be a promise without an Oath, and in the Vow which is by an Oath or Curse, yet it is onely to God as a party, not a witness, but Oaths are though by God, yet taken

L. 11. 2.

before

Lect.2.

before men for their ſatisfaction. 6. That the Scripture aſcribes ſwearing to God as well as to Creatures Angels and men: But it is a queſtion whether God may be ſaid to ſwear properly? Dr. *Ames* in his *Marrow of Divinity*, *ſecond book*, *ch.* 10. §. 6. ſaith, *God, ſith he hath not any greater or ſuperiour Judge*, Heb. 6. 13. *cannot properly ſwear, but it is attributed to him metaphorically: becauſe all that perfection of confirmation which is found in mens Oaths doth agree moſt perfectly to thoſe Teſtimonies of God.* And *Ambroſe* is cited by ſome as if in his *book of* Cain *and* Abel, *the firſt and laſt Chapters he had denied, that God ſwears*: But *Rivet* on *prec.* 3. q. 2. *de Juramento*, allegeth *Ambroſe* on thoſe words, *Pſ.* 119. with us, *Pſ.* 118. with him, *I have ſworn and purpoſed*, v. 106. as, ſaying, *that none could well ſwear but God*, meaning in promiſſory Oaths, *becauſe he onely can ſwear without repentance, as knowing what he ſwears.* But, be his opinion thus, or otherwiſe, the Scripture doth aſcribe to God ſwearing properly, 1 *Heb.* 6. 13, 16, 17, 18. where the Apoſtle ſaith, *that God ſware, though not by a greater, yet by himſelf, ſo as to mediate by an Oath, and this was more than a bare promiſe, another thing than it, that he might ſhew the immutability of his counſel by two immutable things, in which it is impoſſible God ſhould lie.* So that there is no Metaphor in Gods Oath, but it is as properly an Oath as mans, as well in the form of an Oath, as in the end and uſe of it. 2. It is frequent with God to make mention of his ſwearing, as *Gen.* 22. 16. *By my ſelf have I ſworn*, Iſa. 45. 23. *I have ſworn by my ſelf, the word is gone out of my mouth in righteouſneſs*, Pſal. 89. 35. *Once have I ſworn by my holineſs that I will not lie unto* David, *Pſal.* 110. 4. *The Lord hath ſworn and will not repent*, Iſa. 62. 8. *The Lord hath ſworn by his right hand, and by the Arm of his ſtrength. The Lord hath ſworn by the excellency of* Jacob, *Amos* 87. *Jerem.* 51. 14. *Amos* 4. 2. *Luke* 1. 73. *The Oath which he ſware to our father* Abraham, *Acts* 2. 30. *Being a Prophet, and knowing that God had ſworn to him with an Oath*, the Verb and the Noun are both uſed after the *Hebrew* manner of doubling the Verb to ſhew undoubtedneſs of Gods proper ſwearing: Nevertheleſs this is to be conſidered that God doth not ſwear as Creatures do. Creatures they ſwear by a greater, Angels *ſwear by him that lives for ever, who made the Heaven, &c.* Revel. 10. 6. But God *hath no greater to ſwear by*, and therefore ſwears by himſelf: Creatures may uſe forms of Oaths by imprecation and curſing, if they

they ſpeak not truth, but it is not competent to *God bleſſed for ever* ſo to do, but to uſe onely aſſertions of his being, life, holineſs, power, truth, and other excellencies. Gods Oath is not to take away doubts of his veracity, for no man doubts if God ſpeaks, but that he ſpeaks truth, but to take away doubts of his repentance and change, by reaſon of mens not performing conditions on their part, or ſome defect in them. And therefore difference muſt be conceived between Gods ſwearing and mans, and, when a Oath is defined to be a calling upon God to witneſs, or avenge, this cannot be meant of Gods ſwearing; nor can indeed ſwearing be taken as an univocal *genus* equally agreeing to Gods, and mans ſwearing, there being no ſuch religious act in Gods ſwearing as in mans; but ſwearing is to be taken as *genus analogum*, a *genus by proportion*, Gods ſwearing being more excellent than mans, having more of certainty and confirmation than mans, and in the form of it having Majeſty and Grandure in it, mans inferiority and dependence, and ſubjection to God. 7. It is not to be omitted, which is ſaid in the *Lecture* afore cited of Dr. *Sanderſon*, Sect. 4. *It is not enough to an Oath, that God be made a witneſs, unleſs he be called upon as witneſs, For God may be brought in as a witneſs, and that for the confirmation of a thing doubtfull, even without an Oath. As if to confirm this poſition that Images are not to be adored, I ſhould bring ſome places of Scripture: this would be doubtleſs to bring Gods Teſtimony for the confirmation of a thing doubtfull, and yet undoubtedly this were not an Oath. For it is a far other thing to cite God as witneſs, in reſpect of a Teſtimony already long ago given, which may be done without invocation: another thing to invocate God as witneſs, in reſpect of a Teſtimony even then to be given, in which as it were the formal reaſon of an Oath conſiſts.* 8. An Oath is to be conceived to be an addreſs, invocation, or appeal to God, or a Divine power, explicit, or implied by the form of it, although the perſon neither believe Gods being, or excellency, nor dread, or think thereof: otherwiſe an Atheiſt, Infidel, or Perſon that forgets God, ſhould not be ſaid to ſwear at all, when he uſeth an Oath, and ſo though he ſwear never ſo falſly, ſhould not be ſaid to forſwear himſelf, or take Gods name in vain. *Lect. 2.*

§. 4. *The definitions of an Oath in general, of Gods and mans in ſpecial are put.*

Having premiſed theſe things, I conceive an Oath in general may be thus deſcribed, an Enuntiation of ſpeech wherein over and above affirmation and negation by ſimple averring the

Lect.2.

words, the certainty of them is confirmed by reference to God, or Divine power, for avouching it. In ſpecial Gods ſwearing is averring the certainty of what he ſaith, by a Majeſtique alleging of himſelf and his excellency, which may be done in like manner, though arrogantly, by him that ſhall proudly ſwear by himſelf, as if he were God, as *the man of ſin*, mentioned 2 Theſſ. 2. 4. that ſhall *behave himſelf as if he were God*; and hath been in ſome ſort done by ſome monſtrouſly haughty Tyrants, among the *Turks*, *Perſians*, and other barbarous people. But an Oath of a Creature in ſpecial, as of Angels, and which is moſt pertinent to my purpoſe, of men, to whom this third precept in the *Decalogue* is given, may be thus defined, that it is an Enuntiative ſpeech uttered, or aſſented to by the ſwearer, wherein there is ſomething as being, or not being, to be, or not to be, affirmed, or denied, beyond a bare, or ſimple averring of the ſpeech, by allegation, agnition, recourſe to, appeal, invocation of God, or a Divine power to be Witneſs, Arbitrator, Judge, or Avenger, explicitely, or implicitely, for greater confirmation of the truth of the ſpeech, or ſpeaker in what he ſayes. I ſay aſſented to: for though the ſwearer ſpeak not, yet if by any ſign he ſhew aſſent, he ſweareth, if but by a nod, as in *Alexis* verſe, *the Oath is firm though I nod onely*. *Stob. ſerm.* 112. The explication and confirmation of theſe definitions I preſume may be found in the things premiſed before, and thereby may be perceived, how hereby an Oath is deſcribed, what it is, and diſtinguiſhed from all other things: what more is to be ſaid for opening of the nature of an Oath will be to be conſidered in that which follows about forms, and rites of ſwearing.

§. 5. An inference is made that all ſwearing ſhould be religiouſly performed.

For preſent, this uſe is to be made of what is delivered, that, ſith our ſwearing in its nature hath a reſpect to God, we ſhould never ſwear without a religious and ſerious thought, and awfull ſenſe of that God by whom we ſwear. It is very evil in any of our actions to forget God: but in our ſwearing, wherein we do, or ſhould more immediately, and conſiderately apply our ſelves to God, avouching his infallibility, ſupremacy, and greatneſs, not to mind him is one of the greateſt abuſes we can commit. God makes it a great part of his honour and glory to ſwear by his name, which he requires of us, *Deut.* 6. 13. *and* 10. 20. which he will have appropriated to himſelf, and not communicated to another, *Jerem.* 4. 2. *Zeph.* 1. 5. The ſchool-men, as corrupt as they be, do many of them acknowledge, that ſwearing

ing is an act of soveraign honour of God, which they term *latria.* Yea how much Infidel Gentiles, Philosophers, and other meer moral men have dreaded Oaths may be seen in the writings of *Tully*, in the third of his *Offices*, and others, Historians, Orators, Poets, Philosophers: which I might recite, or refer the learned to *Stobæus* his *Collectanies*, and other abridgements. And shall we who are instructed in the Law of God, Christians, Protestants, Professors, Preachers, come short of them in our apprehensions, and dread of God when we swear? will not these men rise up in Judgement against Christians; and condemn them who passionately, rashly, heedlesly, needlesly, falsly, outragiously, audaciously swear, neither regarding their own words, or Gods name, or presence, or mens presence: but as if it were their sport, or their glory, tosse the name of God in their impure mouths, or rather spurn it with their proud feet, in their variety of most blasphemous Oaths, in their frequency of causeless, needless swearing, without remorse of conscience, without amendment, with affected additions of new forms, the more strange and monstrous the more esteemed, with endeavours to outvy one another therein, to incite, yea, to force those that are averse from it to commit wickedness like themselves, and so *to draw iniquity with Cords of vanity and sin as it were with Cart-ropes*, as the Prophet speaks, *Isa.* 5. 18? Oh! the stupendious enormities that this generation is fallen into, by which the eternal God, whose name is great and dreadfull, who hath appeared glorious in his great works before the eyes of all people, whose Wisdom, Counsels, Truth, Justice hath been manifested by *the light of the Gospel of Christ, the Image of the invisible God*, by the conspicuous acts of providence in preserving some, in remarkable acts of Divine Justice and Vengeance on others, is yet slighted, outbraved, dared, and as it were challenged to a conflict with poor crawling Worms, whose breath is in their Nostrils, when by monstrous blasphemous swearing and cursing they wish God to damn them, sink them; and other like hellish Oaths, and imprecations; in which instead of dreading the terrible name of the mighty God, who bruiseth Nations, Kingdoms, Empires, Monarchs of the Earth with a Rod of Iron, and breaketh them in pieces like a Potters Vessel, that overthrows Cities, like *Sodom* and *Gomorrah*, and casts proud blasphemers into a Lake that burns with fire and brimstone, God is in a sort defied, assaulted, trampled upon! That at *Rome* which

Lect. 2.

Lect. 2.

which is described by *a Woman sitting upon a scarlet coloured beast full of names of blasphemy*, Rev. 17. 3, 18. where a mortal man is, or hath been styled *their Lord God the Pope*, and to him this Verse made, *Et merito in terris creditur esse Deus*, where one of them is said to have resolved to have his Dish he affected *in spight of God*, such horrid Oaths, as have been, and are used, should be sworn, is not so great a wonder, the *Romanists*, especially *Italians* and *Spaniards*, being a long while stigmatized for their monstrous blasphemies, swearings, and bloudy revenges: But that modern *English* men, who have had such excellent Teaching, Education, Laws, civil Government should so degenerate, as they have lately done, imitating if not equalling these *Italian* swearings, cursings, revengings, is a sign of extreme wickedness, and a shrewd presage of Divine vengeance neer us, and Gods departing from us. None can blame my zeal and freeness in this invective, who considers, that I speak for the honour of my Soveraign Lord and King, for the recovery of the due glory of my Maker, and everlasting Father. When King *Croesus* was assaulted, his dumb Child could cry out, *kill not King Croesus*: And shall not we, which have a Tongue to speak, and a Pen to write, when men by blasphemies and Oaths *strike through the name of God*, as the expression is, *Levit.* 24. 11, 15, 16. speak and write, Oh assault not *Jehovah*, who is *the true God, the living God, and an everlasting King*, Jerem. 10. 10? *Solomon* in his *Ecclesiastes*, ch. 9. 2. which contains Δευτέρας φροντίδας *his second thoughts*, which the Poet counts *the wisest*, describes a holy man to be one *that feared an Oath*: which cannot be understood, as if he might not swear at all, it is contrary to what he saith, *ch.* 8. 2. and elsewhere, nor is it denied by them that refuse all swearing now, that men might lawfully swear, when *Solomon* wrote that book: But this is an undoubted truth, that every one that fears God will fear an Oath, he that honours the name of God will heed how he swears by his name; as his name is holy, so will he be carefull to sanctifie it, as in other acts of Divine Worship, so particularly in swearing by the Lord. Surely as *James* saith, *ch.* 3. 11. *Doth a Fountain send forth at the same place sweet water and bitter?* we may say, Doth the same Tongue that blesseth God profane his name by vain swearing, that calleth upon God by prayer take his name in vain by Oaths? *My brethren, these things ought not to be so*, yea, understanding it of moral impossibility, these things cannot be so, they cannot con-

Sic Azor. Institut. Moral. l. 11. c. 2. *of some most horrid forms of swearing and blasphemies used by them.*

conſiſt together, neither will a gracious ſpirit do ſo, neither, if any Hypocrite do ſo, will God ſuffer it to go unpuniſhed. Be perſwaded then as you love God, never to ſwear without a reverent religious regard to God, as knowing that all ſwearing is in it's kind a religious duty of Divine Worſhip, and ſhould be perſormed with the ſame ſenſe of God, as prayer, praiſe, hearing, and ſpeaking, Gods word ſhould be. Be admoniſhed as you fear God, if at any time you have through paſſion, cuſtom, or any corrupt affection ſworn vainly, falſly, profanely, and thereby taken Gods name in vain, to confeſs it, be humbled before God for it, not ſlighting it, as Popiſh Caſuiſts do, as if it were a Venial ſin, wiſhing you may never do worſe, and ſaying onely in an overly manner you are ſorry for it, but deeply bewailing it before God, and deprecating his vengeance, who hath ſaid, *he will not hold him guiltleſs that taketh his name in vain.* *Lect.* 3.

Exod. 20. 7. Deut. 5. 11.

Thou ſhalt not take the name of the Lord thy God in vain.

Lect. 3. *Of the form of ſwearing, As the Lord liveth.*

HAving endeavoured to ſhew what ſwearing is, it follows, that we ſhould inquire into, and explain the ſeveral forms of Oaths; which is very neceſſary in ſundry reſpects. 1. In reſpect of perſons that ſwear, that they may know when they ſwear, and when they do not, it being uſual with many perſons to ſwear, when they know not they do ſo, and inſtead of confeſſing their ſin are ready to quarrel with him that reproves them, and to deny with ſwearing that they did ſwear. 2. In reſpect of others, as Reprovers, Informers, Juſtices, who may miſtake and correct that as vain ſwearing, which is not ſwearing at all. And, that the forms of Oaths ſhould be explain'd, is neceſſary, ſith they are for the moſt part abbreviatures, and ſuch

§. 1. *The reaſon of inquiry into, and explication of forms of ſwearing is ſhewed.*

Lect. 3.

such expressions are commonly obscure---*brevis esse laboro obscurus fio*---said *Horace*, *de arte poetica*, while I seek to be short I become obscure. *Josephus* in his first book *against* Appion *reckons* Corban *among Jewish Oaths*, which is explained somewhat by Christ, *Mark.* 7. 11. So other forms of swearing are short and need explication. Conformably hereto, I shall, as fully as my understanding, reading, observations, and memory will serve me, inquire into several wayes, and forms of swearing, and distinguish forms of swearing from them that are not, and, to prevent mistakes, clear them, though I find this to be somewhat an intricate and difficult business.

§. 2. *Gods and mans usual forms of swearing in Scripture.* As I live, as the Lord liveth, as thy Soul liveth *are recited.*

The first form of Oath I shall consider, is, that which is prescribed by God himself, *Jerem.* 4. 2. *Thou shalt swear, The Lord liveth*, which was therefore the usual Oath of the *Jews*, (as *Casaubon* first observed on those words in one of *Martials Epigrams*, *Jura verpe per Anchialum*, to be meant, when the Gentile required the Circumcised to swear by *Anchialus*, that is, חי אל *Im chai el*, which the Heathen mistook, and put *Anchialus* for it, as a mans name, as the strongest bond whereby the deceitfull and slippery Jew might be held) and is all one with, *as the Lord liveth*, which was used thrice by *Elisha* with addition thus, *As the Lord liveth, and as thy Soul liveth*, in one Chapter, 2 *Kings* 2. 2, 4, 6. about one thing, and is set down in Scripture as Gods usual form of swearing, *Rom.* 14. 11. *As I live saith the Lord, which is*, Isa. 45. 23. *I have sworn by my self*, Deut. 32. 40. *For I lift up my hand to Heaven, and say, I live for ever*, Ezek. 33. 11. *As I live, saith the Lord, I have no pleasure in the death of the wicked*, Numb. 11. 21. *But as truely as I live, all the Earth shall be filled with the glory of the Lord*, Jerem. 44. 26. *Behold, I have sworn by my great name, saith the Lord, that my name shall no more be named in the mouth of any man of* Judah, *in all the Land of* Egypt, *saying, the Lord liveth*; which is a threatning which shews both how God did swear, *because he could swear by no greater*, Heb. 6. 13. and what was the usual Oath of the *Israelites*, to wit, *the Lord liveth*. Which was sometimes expressed without any addition, as *Judg.* 8. 19. *as the Lord liveth, if ye had saved them alive I would not slay you*, which I find Bishop *Andrews* in his *Sermon of swearing* to Interpret by *a more earnest asseveration*: but I see no reason why it should not be accounted an Oath, as he doth in his determination *de Jurejurando* ἐπαίσω, the Scripture so plainly ma-

Jerem. 46. 18. *Ezek.* 14. 18, 20. and 16, 48. and 35, 11.

making it a form of swearing, *Jerem.* 4. 2. And *Amos*, ch. 8. 14. threatning the *Israelites* as guilty of Idolatrous swearing in these words, *They that swear by the sin of* Samaria, *and say, Thy God, O* Dan, *liveth; and the manner of* Beersheba *liveth, even they shall fall, and never rise up again*, shews that alleging the life of a Deity real, or imaginary, is swearing. Many examples there are of this form of swearing *by Gods life* in the Holy writings, both of good and bad men, sometimes with a bare alleging the certainty of his life; sometimes with addition of a description of him by some property or act, sometimes coupling the life of some other with his; sometimes also the life of another is alleged without expressing the life of God. I will recite some instances for better elucidation of this point, digesting them into no other order than as they occurr. *Hannah* saith to *Eli*, 1 Sam. 1. 26. *Oh, my Lord, as thy Soul liveth I am the Woman that stood by thee here praying unto the Lord*, 1 Sam. 14. 39. Saul *said, As the Lord liveth which saveth* Israel, *though it be in* Jonathan *my son, he shall surely die*, v. 45. *And the people said unto* Saul, *As the Lord liveth there shall not one hair of his head fall to the ground, for he hath wrought with God this day*, 1 Sam. 17. 55. Abner *said, As thy Soul liveth, O King, I cannot tell*, 1 Sam. 19. 6. Saul *sware, As the Lord liveth he shall not be slain*, 1 Sam. 20. 3. *And* David *sware moreover, and said, truely as the Lord liveth, and as thy Soul liveth, there is but a step between me and death*, v. 21. Jonathan *said, there is peace to thee, and no hurt, as the Lord liveth*, 1 Sam. 25. 26. Abigail *said to* David, *As the Lord liveth, and as thy Soul liveth*, v. 34. David *said to* Abigail, *For in very deed as the Lord God of* Israel *liveth, which hath kept me back from hurting thee*, 1 Sam. 26. 10. David *said, as the Lord liveth, the Lord shall smite him*, v. 16. *As the Lord liveth you are worthy to die*, 1 Sam. 28. 10. *And* Saul *sware to her by the Lord, saying, As the Lord liveth, there shall no punishment happen to thee for this thing*, 1 Sam. 29. 6. *Then* Achish *called* David, *and said unto him, Surely as the Lord liveth thou hast been upright*, 2 Sam. 2. 27. *And* Joab *said, as God liveth, unless thou hadst spoken*, 2 Sam. 4. 9. *As the Lord liveth, who hath redeemed my Soul out of all adversity*, 2 Sam. 11. 11. *And* Uriah *said unto* David, *As thou livest, and as thy Soul liveth, I will not do this thing*, 2 Sam. 12. 5. David *said to* Nathan, *As the Lord liveth, the man that hath done this shall surely die*, 2 Sam. 14. 11. David *said, As the Lord liveth, there*

Lect. 3.

shall

Lect. 3. *shall not one hair of thy Son fall to the Earth*, v. 19. *The Woman answered, As thy Soul liveth my Lord the King*, 2 Sam. 15. 21. *And* Ittai *answered the King, and said, As the Lord liveth, and as my Lord the King liveth, surely in what place my Lord the King shall be, even there also will thy servant be*, 2 Kings 1. 29. *And the King sware, and said, As the Lord liveth, that hath redeemed my Soul out of all distress,* Solomon *sware*, 1 Kings 2. 24. *As the Lord liveth which hath established me, and set me on the Throne of* David *my father,* Adonijah *shall be put to death this day*, 1 Kings 17. 1. Elijah *said, As the Lord God of* Israel *liveth before whom I stand, there shall not be dew*, 1 Kings 18. 10. Obadiah *said to* Elijah, *As the Lord thy God liveth, there is no Nation whither my Lord hath not sent to seek thee*, v. 15. *And* Elijah *said, As the Lord of Hosts liveth before whom I stand, I will surely shew my self unto him to day*, 1 Kings 22. 14. *And* Micaiah *said, As the Lord liveth, what the Lord saith unto me, that will I speak*, 2 Kings 2. 2, 4, 6. Elisha *said to* Elijah, *As the Lord liveth, and as thy Soul liveth, I will not leave thee*, 2 Kings 3. 14. *And* Elisha *said, As the Lord liveth, before whom I stand, surely*, &c. and 5. 16. *As the Lord liveth, before whom I stand, I will receive none*, 2 Kings 4. 30. *And the Mother of the Child said, As the Lord liveth, and as thy Soul liveth, I will not leave thee*, Job 27. 1. *As God liveth, who hath taken away my judgement*, Jerem. 38. 16. *So* Zedekiah *the King swore secretly unto* Jeremiah, *saying, As the Lord liveth, who hath made us this Soul, I will not put thee to death.* By recital hereof it is apparent, that as this form [*as I live*] is Gods usual form of swearing, so [*as the Lord liveth*] is mans usual form, and in like manner the Angels, *Rev.* 10. 6. But then it may be doubted whether the forms [*As the Lord liveth, and as thy Soul liveth*] be both forms of swearing. *Perkins* in his *Cases of Conscience*, l. 2. c. 13. q. 2. makes that, 2 Kings 2. 2. *As the Lord liveth, and as thy Soul liveth, to be in the former part an Oath, in the later an obtestation, or earnest avouchment onely.* But sith *David* is said *to swear*, 1 *Sam.* 20. 3. when he used this form [*as the Lord liveth, and as thy Soul liveth*] I take it for certain that both are Oaths, and so are those [*As thou livest, and as thy Soul liveth,*] 1 Sam. 11. 11.

It may be here asked, whether *Josephs manner* of speaking, Gen. 42. 15, 16. *By the life of* Pharaoh *ye shall not go hence, except your youngest brother come hither*, or *else by the life of* Pharaoh, *surely ye are spies?*

To

To this, I ſay, that it is true, there want not learned men that make it onely an aſſeveration, not an Oath, and others that conceive it to be a wiſh, apprecation, or prayer familiar to the *Egyptians*, and other people, as the *Chaldeans*, *Dan.* 2. 4. and 3. 9. and 5. 10. and 6. 6, 21. But the contrary ſeems plain, in that it is ſo placed, as that it can not be rightly taken for any other then a confirmation of the certainty of his ſpeech, by alleging *Pharaohs* life, one of the deareſt things to thoſe people, *it being the weightieſt Oath with the* Egyptians, *as with the* Romans *to ſwear by the Genius of their Prince*, as Grotius *obſerves, on* Gen. 42. 15. And that it is a form of ſwearing, is made the more probable, in that the Lxx *Gr.* hath it νὴ τὴν τοῦ γίεσαν Φαραὼ, and the vulgar *Latin per ſalutem Pharaonis*, that is, *by the health of* Pharoh. Nor may this be taken to be a ſwearing by the Creature, ſo as to give Divine Worſhip to it: But that it is to be conſtrued thus, as *Piſcator*, *obſerv.* 11. on *Matth.* 23. *ex v.* 16, 17, 18, 19, 20, 21, 22. explains it. *As truely as* Pharaoh *lives by the benefit of God, ſo verily I will not permit, that ye go hence*; and ſo he interprets that, 1 *Sam.* 1. 26. *As truely as thy Soul liveth by the benefit of God, ſo verily I am that Woman*; and that of *Abner*, 1 Sam. 17. 55. *As truely as thy Soul liveth by the benefit of God, ſo truely I know not.* And this *Rivet* prefers before the other of prayer for *Pharaoh*, as if it were [*I wiſh* Pharaoh *may ſo live, as it is true that you ſhall not go out*:] which manner of expreſſion is not ſo agreeable to the form of an Oath as the other. For forms of Oaths by prayer they are either by oppignoration, or imprecation, in which their own good is pawnd, or evil wiſhed, not anothers, and ſtill where the life of God, or other perſon is uſed in ſwearing, it is expreſs'd by *as*, or *ſurely as*, or *as truely, as*, Num. 14. 21. 1 Sam. 20. 3. 1 Sam. 25. 34. 1 Sam. 29. 6. which notes an aſſeveration, by comparing of a thing certain, or manifeſt, and the ſenſe is, *that which is aſſerted is as certain, as it is that* Pharaoh, Saul, *&c. live.* Nor was this any other than the Chriſtians in the primitive times would do, who as *Tertullian* ſaith, *would ſwear by the ſafety, or life of their Emperour, though they would not by his Genius*, *Apologet. adv. Gentes*, c. 32. ſith the *Genius* was an inviſible ſpirit, and a heatheniſh Deity, in very truth, a Devil. And this are we to conceive to be the meaning of the Oaths mentioned, *Matth.* 5. 34, 35, 36. *by the Heaven, the Earth*, Jeruſalem, *the head*, (uſual among other people, as *Virgil.* 9. *Æneid. per caput hoc juro*)

§. 3. Ioſephs *expreſſion*, Gen. 42. 15, 16. by the life of Pharaoh *was ſwearing, and how it was to be underſtood.*

Lect. 3.

juro) *by the Temple, Gold of the Temple, the Altar, the gift on the Altar*, Matth. 23. 16. 17, 18, 19, 20, 21, 22. In which I confeſs ſome of the things are holy things, that have ſpecial relation to God, but ſome have no ſuch holineſs, or ſpecial relation, as *the Earth, the head*; And this is undoubtedly the meaning of thoſe oaths familiar with men, as to ſwear *by this bread, this drink, this light, by this hand*, which with many more are Oaths of this form, whereby the thing ſworn is aſſerted as true by a comparative allegation of ſome thing manifeſtly certain, either by ſenſe, faith, or reaſon. And thus I conceive it to be a plain Oath to ſay, *as I live, as I am here, as the Sun ſhines, as the Coat is on your back, as God is in Heaven*, this is ſo, or not ſo, I will do, or not do it, and a thouſand of the like (which few take to be Oaths) are indeed forms of ſwearing. For though it be but a peremptory aſſeveration to ſay, undoubtedly it is ſo, it is ſo, I am ſure it is ſo, with the like, yet when there is ſomething affirmed or denied in ſuch a comparative manner, it is to be conſtrued as an Oath, though I find learned men terming them Obteſtations, not Oaths.

§. 4. *Chriſts uſing* Amen, Amen, *was not ſwearing, nor are in faith in troth.*

Perhaps it may be here asked, whether the form uſed often by our Lord Chriſt, *Amen, Amen*, as *John* 3. 3. &c. which is Tranſlated, *verily, verily*, be a form of ſwearing, or not? Hereto I ſay, that *Azorius, Inſtit. Moral.* l. 11. c. 3. tells us, *that it is not an Oath, although ſome think that in both thoſe forms of ſpeech, verily, verily, In truth I ſay to you, Chriſt ſware, as Innocentius (the Pope) ſeems to ſignifie in C. Etſi Chriſtus, de Jureju*: yea in the *Homily of ſwearing* in the *firſt tome of the book of* Homilies *of the Church of England*, it is ſaid, *Chriſt did ſwear when he uſed Amen, Amen*, and *Hieronym. Zanchius, tom.* 4. l. 1. c. 18. *in tertium prac. loc.* 3. *theſi* 12 *makes it an Oath, and ſays it is as much as verè truely, and that is as much as per Deum qui eſt veritas, by God who is truth.* But beſides, *Azorius forecited*, and *Ames* in his *marrow of Divinity*, 2d. *book*, ch. 10. §. 28. *Nicolas Fuller Miſcell. ſacr.* lib. 1. c. 2. argues rightly that Ἀμὴν *verily, uſed* Matth. 23. 36. *is no more than* vel *yea, uſed* Luke 11. 51. *and that which is ſaid*, Matth. 16. 28. *Amen, or verily I ſay to you, is*, Luke 9. 27. *I ſay*

Voſſ. Harm. Evang. l. 2. c. 9. §. 2. *Sunt qui Amen jurandi particulam dicant: ſed parum eſt veriſimile, hoc ſi eſſet, toties ea fuiſſe uſurpatum Chriſtum, qui crebris juramentis interdixit nobis. Mollius igitur Auguſtinus, tract.* 41. *ait eſſe quaſi juramentum: nempe ea utitur ſcriptura ut vehementius affirmet.*

I say to you ἀληθῶς *truely.* And that *which is said,* Luke 4.24. *Amen, or verily I say unto you, is,* v. 25. ἐπ' ἀληθείας *of a truth I say to you.* And therefore these expressions, of *verily, verily,* are no more than *yea yea,* distinguished from swearing, *Matth.* 5.34,37. And in like manner are we to conceive, that those adverbial speeches *certainly, in truth, in very deed,* with many more of the like, are not to be termed Oaths, but asseverations. It may be here perhaps demanded, whether those speeches, this is so, *as I am an honest man, on my word* it is so, *on my credit, in the word of an honest man, on my conscience, on my troth, in faith, in troth, in good sooth, in good faith,* with some more of the like kind be not to be accounted for Oaths? Answ. Dr. *Ames* in his fourth *book of conscience,* ch. 22. *S.* 16. resolves thus, *In faith, in truth, in conscience, are no Oaths, because they add not a new attestation to the Testimony to be confirmed, but declare it onely to be serious, deliberate, sincere, and certain.* Which resolution I agree to, and conceive it may be said of all the rest in the question, and that they are but expressions of asseveration, equipollent to *yea,* and *nay,* to *bona fide* in *Latin,* which noting not faith in God or Christ, but faith to men in our speech notes onely the vertue of veracity, or truth speaking, and so is not an Oath, but an earnest asseveration. *Lect.* 3.

But there seems to be more difficulty how to resolve concerning these expressions *by my faith, by faith, by my troth, by troth,* for they have the preposition of swearing [*by*] prefixed, and so seem to be undoubtedly Oaths: whence sundry good practical Divines in their Sermons to the people do usually reckon them as forms of swearing, and dissuade people from them. Mr. *Perkins* in his *Preface before his Catechism to all ignorant people,* among the sayings usual with ignorant people, puts this for the 8th. *That a man may lawfully swear, when he speaks nothing but the truth, and swears by nothing but that which is good, as by his faith, or troth.* And doubtless, these speeches are justly to be reproved, and Preachers who speak against them as Oaths, when people deny them not to be so, but confess them as Oaths, do well to deter people from them. And yet if any informer should take his Oath that such did swear, who used onely such expressions, and a Justice of Peace punish it as profane swearing, according to the statute; I should not justifie their action. *Azorius* the *Jesuite, instit. moral.* l. 11. c. 2. saith thus, *Concerning those forms in my faith, or by my faith, in faith, or by* §. 5. By faith by troth *are not forms of Oaths except the users use them as such.*

Lect. 3.

the faith of a good ingennous noble Chriſtian, or religious man, unleſs the faith of Chriſt be underſtood, it is to be judged that they have not the reaſon of an Oath, as is the common opinion of Doctors. For the ſenſe of thoſe words is, This I ſay, or relate, with that faith, which is wont to belong to a Noble man, to an ingennous man, a Chriſtian, or religious perſon. I conceive if in thoſe forms [*by Faith, by my Faith, by Troth, by my Troth*] the Faith and Troth therein expreſſed be meant of their Faith in God, in Chriſt, their Troth they have plighted to him, & ſo the meaning be *by my Faith, by my Troth*, that is either as ſure as I believe in God, in Chriſt, and have engaged my ſelf to them to be theirs, or I pawn my Faith in Chriſt, or Troth to him, let me not be accounted to be a Chriſtian, let me forfeit my privilege of a beſiever, if I ſpeak not Truth, then thoſe forms are of forms ſwearing. And it ſeems many people that uſe them do conceive no otherwiſe of them than of Oaths. For they ſay *they ſwear by their Faith, and by their Troth.* And in theſe the cuſtomary uſe of theſe words is juſtly reprehended by Preachers, as other vain and uſual ſwearing, and as too light a pawning of ſo pretious a thing as our Faith is. But if thoſe ſpeeches be underſtood of our Faith to men, which as *Auguſtin* ſaith, *Epiſt. 154. ad Publicolam, is much different from that Faith by which men are called faithfull, who are baptiſed in Chriſt*, and is nothing elſe but our fidelity, veracity, or vertue of ſpeaking Truth, and keeping our word to them, and ſo not our Faith in God is pawned, but onely our truſtineſs to men is aſſured, I conceive they are not Oaths, but onely forms of aſſeveration, and proteſtation without ſwearing, ſuch as *in Faith, in Troth, bonâ fide* in *Latin.*

Biſhop Sanderſon prælect. 5. ſect. 7. de Juram. Illa per fidem (etſi ex more alicujus gentis aut intentione dicentis paterit eſſe Juramentum) non eſt tamen Juramentum ex vi verborum, &c.

And this ſenſe ſeems to me to be the moſt *Genuine* expoſition of thoſe forms, both becauſe they are like to *in Troth, in Faith*, and becauſe the the term [*Troth*] is ſcarſe ever uſed for belief in God, but onely for fidelity, and veracity to men. And I think that for this reaſon Dr. *Ames* in the place fore alleged ſaith onely thus. *Yet from thoſe forms in which the particle* [*by*] *is referred to Creatures, we muſt abſtain as from a ſhew of evil and ſcandal*, he ſaith not as from that which is in it ſelf evil, or an Oath. Nor is it of moment, that the particle [*by*] is uſed in thoſe forms, for the particle [*by*] is neither alwayes

wayes a note of an Oath, nor it onely in *in, upon*, are particles of swearing as well as [*by*] as in the *Hebr.* ב in *Greek* μὰ τὸν in *Latin, in, per*: yet I think when the terms *fide datâ, per fidem* are used in the University of *Oxford* in reference to an Oath formerly made, persons are required by their Oath as Dr. *Sanderson, prael.* 5. sect. 7. *Lect.* 3.

To conclude this point, The form of swearing [As I live] used by God is to be expounded as *Zanch. tom.* 4. *in tertium prac. de Juram. qu.* 2. *Piscator schol. in* Jerem. 4. 2. *Sensus est, quàm verum est me vivere tàm verum est quod dico, the sense is, it is as true which I say, as it is true that I live*, and of the form, *As the Lord liveth* the sense is, as certain as God lives, so certain it is which I say, and the other forms. *As thy Soul liveth*, as I live, by this hand, head, light, &c. are to be expounded as averring that we say to be as true as that is, which is asserted as manifest to sense, reason, or Faith, which I call swearing by comparative allegation, or collation of one thing certain with another thing averred, which I call the first form of Oaths, of which sort is that used by *Paul*, 2 *Cor.* 1. 18. *As God is true, our words towards you was not yea and nay.* §. 6. *The first form of swearing is to be expounded by Collation of a thing certain by Divine providence with that which we aver.*

Perhaps it may be asked, how by this exposition these sorts of swearing can be said to have any reference to God, or to have any thing of Religion in them? To which I answer, that according to those definitions, wherein an Oath in general is defined to be an invocation of God as witness, Judge, or Avenger, I see not how they can be said to be Oaths, there being nothing in those expressions that leads to the consideration of God as such: yet as they are forms of swearing, there is explicitely, or implicitely an agnition of Gods being and power, as when the Oath is, *as thy Soul liveth*, the meaning is, by Divine power. As in those Creatures which are sacred there is a manifest reference to God, as our Saviour saith, *Matth.* 23. 20, 21, 22. so in those that are not, as when the Oath is by *the earth*, and *the head*, Matth. 5. 35, 36. Gods being, and power in making, and preserving them is acknowledged, and so there is in the nature of the act, and should be in exercise Faith, and religious regard of God used by every one that swears, *men swear by a greater*, Heb. 6. 16. that is a Deity real, or supposed, and therefore these forms being manifestly Oaths must be conceived to have at least this reference to God.

Whence by way of use may be inferred that in all swearing there

Lect. 4. there ſhould be minding of God, and they that ſwear without remembring him (as moſt do) do abuſe this holy ſervice, and therefore muſt expect ſith they remember not God, that God will viſit them, and as they regard not God, ſo God will deſpiſe them.

Exod. 20. 7. Deut. 5. 11.

Thou ſhalt not take the name of the Lord thy God in vain.

Lect. 4. *Of the form of ſwearing by appeal to God as witneſs, Arbitrator, Judge, Avenger.*

§. 1. *Sundry paſſages of the old and new Teſtament are alleged, wherein ſwearing is by appealing to God as witneſs.*

THe ſecond, and one of the plaineſt forms of ſwearing, is, when to confirm what we ſay, we have recourſe to God by invocation, or appeal, as witneſſing with us, which is termed ſwearing by conteſtation, or atteſtation. Of this ſort are ſome of the Old Teſtament, and ſome in the New, *Judge* 11. 10. *And the Elders of* Gilead *ſaid unto* Jephthah, *The Lord be witneſs, or as in the* Hebr: *the hearer between us, if we do not ſo according to thy words*, wherein God is appealed to as a witneſs, and Arbitrator between them. The is like to be conceived in that ſpeech of *Jonathan* to *David*, 1 Sam. 20. 42. *Go in peace, for as much as we have ſworn both of us in the name of the Lord*, ſaying, *The Lord be between me and thee, and between my ſeed and thy ſeed for ever*, that is, (as in the Margin) *the Lord be witneſs of that, which, &c.* Jerem. 42. 5. *Then they ſaid to* Jeremiah, *The Lord be a true and faithfull witneſs between us, if we do not according to all things for the which the Lord thy God ſhall ſend thee to us*: Theſe inſtances are in promiſſory Oaths: there are other inſtances in aſſertory Oaths, eſpecially in the New Teſtament, in *Pauls* Epiſtles. I ſhall ſet them down as they occurr, *Rom.* 1. 9. *For God is my witneſs, whom I ſerve with my ſpirit in the Goſpel of his Son, that without ceaſing I make mention of you alwayes in my prayers*, 2 Cor. 1. 23. *Moreover, I call God to Record upon my Soul, that to ſpare you, I came not as yet unto Corinth,*

Lect. 4.

Corinth, 2 Cor. 11. 31. *The God and Father of our Lord Jeſus Chriſt, which is bleſſed for evermore, knoweth that I lie not*, Phil. 1. 8. *For God is my Record how greatly I long after you all in the bowels of Jeſus Chriſt*, 1 Theſ. 2. 5. *For neither at any time uſed we flattering words as ye know, nor a Cloak of covetouſneſs, God is witneſs.* In all which is manifeſt ſwearing, according to the definition of ſwearing, given not onely by Chriſtian Divines of all ſorts, but alſo by *Cicero*, and other Philoſophers, who have deſcribed ſwearing to be the addreſſing themſelves to God as witneſs for the Confirmation of the truth of their ſpeech. The ſame we are to conceive of thoſe other ſpeeches of *Paul*, 2 Cor. 12. 19. *We ſpeak before God in Chriſt*, Gal. 1. 20. *Now the things which I write unto you, behold, before God I lie not.* Which ſpeeches have this ſenſe, we ſpeak and write before God, or in his preſence, who knoweth all things, and is a witneſs of the truth of what we ſay. And thus we rightly account that it is ſwearing, when a perſon to confirm his ſaying, uſeth this expreſſion. *Before God* it is ſo, or not ſo, I will do, or not do this, or that. In all which Gods omniſcience and infallibility is acknowledged, and therefore he is choſen as fitteſt to decide the doubt which may be made of the truth of our words, either as Witneſs, Arbitrator, or Judge.

Lomb. 3. ſent. diſt. 39. unde Aug. ridiculum eſt putare hoc ſi dicas per Deum juras, ſi dicas, teſtis eſt mihi Deus non juras. Quid eſt enim per Deum niſi teſtis eſt mihi Deus: aut quid eſt teſtis eſt Deus niſi per Deum? tom. 10. ſerm. 28. de verb. Ap.

§. 2. *It is reſolved that* Rom. 9. 1. 1 Tim. 5. 21. Deut. 4. 26. Deut. 30. 19. 1 Sam. 12. 3, 5. *Contain not forms of ſwearing.*

It may be asked whether the words, *Rom. 9. 1. I ſay the truth in Chriſt, I lie not, my conſcience alſo bearing me witneſs in the holy Ghoſt* be not ſwearing? To which, I ſay, ſundry Divines have conceived ſo, and I placed it in my *ſerious conſideration of the Oath of the Kings ſupremacy*, prop. 1. arg. 4. among other forms of Oaths, and in my *ſupplement*, p. 11. yet conſidering that God is not appealed to as witneſs, but his own conſcience, though *in the holy Ghoſt*, I rather put it among earneſt aſſeverations, or obteſtations.

It may be asked, whether the words, 1 *Tim.* 5. 21. Διαμαρτύρομαι, *I witneſs*, or as we read, *charge thee before God and the Lord Jeſus Chriſt, and the elect Angels, that thou keep theſe things without preferring one before another, doing nothing by partiality*, do not contain an Oath, in calling God, Chriſt, the Angels to witneſs?

To

Lect. 4. To which, I answer, the words contain no Oath expressly, there being no Enunciative speech, nor do I think they do contain an adjuration, as 1 *Thess.* 5. 27. where the word is ὁρκίζω, *I adjure you by the Lord*, doth: But they are a pressing command urged by minding them of the presence of God, Christ, and the Elect Angels, whose presence we are to regard, especially in holy things, as *Eccles.* 5. 6. *Say not* (in holy vows) *before the Angel, that it was an errour*, 1 Cor. 11. 10. *Therefore the Woman ought to have power*, that is a veil, *over her head*, to wit, to cover it, *because of the Angels*, who are wise and holy persons, & therefore in our holy vows, and in our habit in the assembly of the Court, in prayer, and prophecying, we are to regard them with reverence, and speak, and be cloathed decently and wisely, much more then before men, and to the same purpose are those like charges to be understood, 1 *Tim.* 6. 13. 2 *Tim.* 4. 1. 2 *Thess.* 3. 6. I do not conceive (as *Ludov. Capellus* seems to do in his *Spicilegium* annexed to *Camerons Myrothecium* on the words 1 *Tim.* 5. 21.) that the Apostle used this expression according to the solemn form of obtestation, which he gathers the *Jews* were wont to use by *Angels* from the words of *Agrippa* in *Josephus*, *lib.* 2. de *bello Judaico*, *c.* 16. when he bespake the *Jews* that he might retain them in obedience to the *Romans* in a speech thus, *I call to witness your holy things, and the holy Angels of God, and your common Country, that I have withdrawn none of those Counsels, which I have seen expedient for you*, perhaps, saith he, *that so more openly they might testifie their faith of the Angels against the Sadducees; and as it were by that sign some might be discerned from others.* For in *Agrippa*'s speech it is by way of asseveration of what he had done, in *Pauls* by way of precept, nor is it likely the Apostle would imitate the *Jewish* custom of obtestation in speaking to *Timothy*, but that he meant onely to make his admonition the more piercing by warning him that in his dealing with Presbyters, rebukes of sinners, laying on hands in Ordination, and other his Ecclesiastical Ministrations he should do them with much wariness, circumspection and authority, as doing them before God, Christ, and Angels, and charged so to do by him in their presence.

It may be asked also whether *Moses* did not swear in those expressions, *Deut.* 4. 26. *I call Heaven and Earth to witness against you this day, that ye shall soon utterly perish from off the Land*, Deut. 30. 19. *I call Heaven and Earth to Record this day against*

against you, that I have set before you life and death. To which I answer, there are that do conceive that by *the Heaven* is meant God, who is in Heaven, as when it is said, *Dan.* 4. 26. *the Heavens rule*, that is, God, who dwelleth in the Heavens, and these use this device to avoid the instance, which seems to countenance the swearing by a Creature: But then this answer doth not avoid the calling the Earth to witness, which is never put for God. Therefore I conceive this to be a plain answer, that the speech is figurative, and that in propriety of speech the Heaven and Earth are not called to witness as in an Oath; but by a Rhetorical figure of speech termed *prosopopeia*, that is, *feigning a person in inanimate things*, the Heavens and Earth are spoken to, as if they were witnesses, though they are not so properly, and that the meaning is, this is as certain and manifest as if Heaven and Earth, and all things in them did joyn in a contestation. Such a figurative feigning of a person to inanimate things, and such Rhetorical expressions are used, *Deut.* 32. 1. *Give ear O ye Heavens, and I will speak, and hear O Earth the words of my mouth*, Isa. 1. 2. *Hear O Heavens, and give ear O Earth, for the Lord hath spoken*, Jerem. 22. 29. *O Earth, Earth, Earth, hear the word of the Lord*, Micah. 6. 2. which are not to be understood either as if Heaven and Earth were in proper speech the Prophets hearers, or he spake to them as to auditors: but to aggravate the obstinacy of the *Jews* the Prophets turn themselves to them as if they were more likely to hear than the *Jews*. By somewhat a like figure the heap made by *Jacob* to shew the agreement between him and *Laban* is said to be *a witness*, Genes. 31. 48. *and* v. 52. *Laban* saith, *this heap be witness, and this Pillar be witness, that I will not pass over this heap to thee, and that thou shalt not pass over this heap and this Pillar unto me for harm*, when they were onely Monuments as signs of their agreement. And thus also the Altar built by the Transjordan *Israelites*, Josh. 22. 34. was called *Ed*, that is, *witness*, by the Children of *Reuben* and *Gad*: for say they, *it shall be a witness between us, that the Lord is God.* Lect. 4.

It may be yet asked whether *Samuels* words, 1 *Sam.* 12. 3, 5. *Behold, here I am, witness against me before the Lord, and before his anointed: whose Ox have I taken? And he said unto them, The Lord is witness against you, and his anointed is witness this day, that ye have not found ought in my hand: and they answered, He is witness*, which seems to be an appeal to Gods and

Lect. 4. *Sauls* Teſtimony, and that they acknowledged Gods Teſtimony to be for *Samuel* upon his appeal.

To which I anſwer, it is not an appeal to God for his witneſs, ſo as to call on him as in an Oath, but a demand of them to anſwer, as it is in the *Heb.* which we tranſlate, *witneſs*, in the preſence of God and *Saul* as perſons before whom they ſhould ſpeak truth, whether he were guilty of bribery. And upon his declaring that God and *Saul* had heard the acknowledgement, that *they found nothing in his hand*, he aſſerts this as their witneſs, which they acknowledge by ſaying, as it is in the *Hebr.* a *witneſs*, that is, either of them, or any of them is a witneſs.

§. 3. *Of ſwearing by appealing to God as Judge.*

The next form of ſwearing, that differs not much from the other, is appealing to God as Judge, of which there are ſome expreſſions found in Scripture and common uſe. Thus in the league between *Laban* and *Jacob*, Gen. 31. 49. The heap raiſed by *Jacob* is called by *Laban Mizpah. For he ſaid, The Lord watch between me and thee, when we are abſent one from another, if thou ſhalt afflict my Daughters, or if thou ſhalt take other Wives beſides my Daughters, no man is with us; ſee, God is witneſs betwixt thee and me*, v. 53. *The God of* Abraham, *and the God of* Nahor, *the God of their father judge betwixt us. And* Jacob *ſware by the fear of his father* Iſaac. In which paſſage the Covenant between *Laban* and *Jacob* is confirmed by Oath, in which God is appealed to as witneſs of their mutual promiſe, and judge betwixt them, in which both Gods providence, omniſcience, power, juſtice, and integrity is acknowledged, and he in thoſe reſpects made Umpire or Arbitratour, or Judge between them in caſe any breach of promiſe ſhould happen. The like is to be conceived of the expreſſions in the Covenant between *Jonathan* and *David*, 1 Sam. 20. 23. where *Jonathan* ſaith, *And as touching the matter which thou and I have ſpoken of, behold, the Lord be between me and thee for ever.* v. 42. *And* Jonathan *ſaid unto* David, *Go in peace, for as much as we have ſworn both of us in the name of the Lord, ſaying, The Lord be between me and thee, and between my ſeed and thy ſeed for ever*, in which ſwearing is by reference to God as Witneſs, Arbitrator, or Judge betwixt them. In which it is to be obſerved, that I make not every appeal to God as Judge to be ſwearing, there are appeals to God as Judge for requiting of wrongs, which are not Oaths, as 1 *Sam.* 24. 12, 15. but then onely when it is for confirming the truth of their words, as in the Co-

venants

vocants fore mentioned; And in this manner it is uſual with people to ſwear a thing to be ſo, or otherwiſe, as God is their Judge, as they ſhall anſwer at the dreadfull day of Judgement, as Chriſt is their Judge, God judge me if I ſpeak not truth, or do not as I ſay: all which are manifeſt Oaths by appeal to God as Judge. Lect. 4.

A more uſual form of an Oath is by Imprecation, or curſe wiſhed on themſelves, if they ſpeak not truth, or perform not what they promiſe, in which there is an appeal to God not onely as Witneſs and Judge, but alſo as *Vindex* or Avenger, and thereby Gods Juſtice and Power is ſpecially acknowledged, together with his Soveraignty. This form of ſwearing is often termed אלה, which ſignifies *a Curſe*; ſo that which was termed משבעה, *Gen.* 24. 8. Lxx. ὅρκος, *my Oath*, is v. 41. אלתי rendered in the Lxx. *Gr.* in the firſt part of the Verſe ἀρᾶς *my Curſe*, in the later ὁρκισμῷ *ſwearing*, ſo 1 *Kings* 8. 31. that which is Tranſlated, *and an Oath be laid upon him to cauſe him to ſwear*, in the Hebr. it is, ונשא בו אלה להאלתו, in the Lxx. *Gr.* ἐὰν λαβῇ ἐπ' αὐτὸν ἀρᾶν τοῦ ἀρᾶσαθαι αὐτόν; that is, *lay a Curſe on him to cauſe him to Curſe.* Sometimes theſe are joyned together, as *Nehem.* 10. 29. *they entred into a Curſe and an Oath*, Hebr. באים באלה ובשבועה, Lxx. *Gr.* ἐν ἀρᾷ καὶ ἐν ὁρκῷ, and in like manner *Peter* is ſaid, *Matth.* 26. 74. καταθεματίζειν καὶ ὀμνύειν, *to Curſe and to ſwear that he knew not Chriſt*, that is to ſwear by curſing himſelf if he knew Chriſt. So the 40. men who conſpired *Pauls* death are ſaid ἀναθεματίζειν ἑαυτούς, *Acts* 23. 12, 14. that is *to Curſe themſelves*, or *to wiſh themſelves* Anathema, *accurſed*, *if they did eat or drink till they had killed Paul*, and this is termed, *v.* 13. συνωμοσία, *a ſwearing together.* Joſhuah is ſaid to *adjure*, in *Heb.* וישבע, in Gr. ὥρκισεν, *Joſh.* 6. 26. when he denounced a Curſe on him that ſhould build *Jericho*, 1 Sam. 14. 28. *Thy Father ſtraightly charged the people with an Oath*, Gr. ὁρκίσας ὥρκισε, *ſaying*, *Curſed be the man that eateth any food this day.* The uſual form of this ſort of ſwearing is *God do ſo to me, and more alſo*, if we do, or not do this, or that, ſay not true: in which they wiſhed evil from God, not expreſſing the particular evil: but left that to God. Thus in the ſtory of *Ruth*, ch. 1. 17. ſhe ſaith, *the Lord do ſo to me, and more alſo, if ought but death part thee and me*, 1 Sam. 20. 12, 13. *And Jonathan ſaid unto David, O Lord God of Iſrael, when I have ſounded my Father, and behold, if there be good toward* §. 4. *Of ſwearing by Imprecation.*

Lect. 4.

word David, *and I then ſend word unto thee, and ſhew it thee, the Lord do ſo, and much more to* Jonathan, v. 16. *And* Jonathan *made a Covenant with the houſe of* David, *ſaying, Let the Lord even require it at the hand of* Davids *Enemies*, 1 Sam. 25. 22. *So, and more alſo do God unto the Enemies of* David, *if I leave of all that pertain to him by the morning light any that piſſeth againſt the wall*, 2 Sam. 3. 35. David *ſware, ſaying, ſo do God to me, and more alſo, if I taſte bread, or ought elſe, till the Sun be down*, v. 9. *So do God to* Abner, *and more alſo, except as the Lord hath ſworn to* David, *even ſo I do to him*, 2 Sam. 19. 13. *God do ſo to me, and more alſo, if thou be not Captain of the Hoſt before me continually in the room of* Joab, 1 Kings 2. 23. *Then King* Solomon *ſware by the Lord, ſaying, God do ſo to me, and more alſo, if* Adonijah *have not ſpoken this word againſt his own life*, 2 Kings 6. 35. *Then he ſaid, God do ſo, and more alſo to me, if the head of* Eliſha, *the ſon of* Shaphat, *ſhall ſtand on him this day.* In ſome of theſe, as 2 *Sam.* 3. 35. 1 *Kings* 2. 23. this form is expreſly termed ſwearing, and it is uſed in Promiſes and Covenants as well as threatnings. Dr. *Ames* conceives in his *Marrow of Divinity*, ch. 10. *that in every Oath, either expreſly, or implicitely, a Curſe, or Implication is contained.* *Piſcator* turns the words, *Pſ.* 95. 11. *To whom I ſware in my wrath, ſaying, If they ſhall enter into my reſt, I will not be God.* Zanchius, *ne ſim Deus, let me not be God*, as if God himſelf did uſe ſuch a form of Imprecation in his ſwearing. Whether God may be ſaid ſo to ſwear may be doubted: but we find the Apoſtle, 2 *Cor.* 1. 23. I call God to Record ἐπὶ τὴν ψυχήν, if it be read (as ſome do) *againſt my Soul*, to have uſed this form of ſwearing, if it be read *upon my Soul*, and the ſenſe be, ingaging the hope of my Soul therein, it is to be referred to the other form by oppignoration. *Homer* mentions in his *Iliads* the heathen Gods Oath, that it was by *Styx*, that is, the imagined horrid Lake of Hell, or the place of the dead. And ſith theſe were Devils, and feared *to be caſt into the deep*, Luke 8. 31. that is the place of the dead, as it appears *the abyſs*, or *deep* ſignifies, *Rom.* 10. 7. from thoſe words, *who ſhall deſcend into the abyſs or deep, that is, to bring Chriſt from the dead?* It is likely their Oath was, to Imprecate to themſelves, that if they did not ſo, let them be thruſt down from the air, where yet they walk, *Eph.* 2. 2. ἐν τοῖς ἐπουρανίοις, *in heavenly places*, Ephes. 6. 12. into the Styx, or Lake, or place of the dead, which they dread, as being

being in expectation of torments there, *Matth.* 8. 29. in the mean time they are cast out of the presence of God, εἰς ἀφορισμὸν πνεύματος, *into an airy tartarus*, or *dismal* place, or as *Peter*, 2 Ep. 2. 4. σειραῖς ζόφου ταρταρώσας, *with chains of darkness thrusting them into a tartarus*, or *dismal place*, *God hath delivered them to be kept unto judgement*. or as *Judge*, v. 6. *he hath kept them under darkness, by everlasting*, or *invisible bonds, unto the judgement of the great day.* With this kind of swearing, in the most formidable manner that I ever read any Oath taken, were some Laws in *England* confirmed by King *Henry* the third, and the Nobles of *England* holding burning Tapers in their hands, and then casting them out of their hands with direfull inprecations to themselves to be extinguished, if they violated them. And such kind of Oaths are too rife in mens mouths, *God damn me, the Curse of God alight upon me, God confound me, the Devil take me, Vengeance, Plague*, &c. *take me* if it be not so, if I do not this. Which are very wicked, but very rife in the mouths of people, It's usual to swear, *let me never see the face of God, let me never live*, &c. and it is too too often seen that as people wish so it befalls them, it being just with God, that *as they love Cursing, so it should happen to them*, Psal. 109. 17.

See Daniels *history of Henry the third.*

§. 5. *Of swearing by appealing to God as helper, and pawning our interest in things dear to us to assure men we speak truth.*

There are other forms of swearing by appeal to God as helper that they speak truth, and renouncing his help if they do not, and pawning, and ingaging their interest in God, their hopes of good from him to secure others of their veracity. Of this sort is that Oath as it is termed, *Josh.* 2. 20. which the Spies sent to view *Jericho*, sware to *Rahab* the Harlot pressing them to swear by the Lord, *v.* 12. when they said, *v.* 14. *our life for yours, if ye utter not this our busines*, whereby they pawned their lives for theirs for confirming of what they promised. Like hereto is that *Josh.* 22. 22. *The Lord God of Gods, the Lord God of Gods he knoweth, and* Israel *shall know, if it be in rebellion, or in transgression against the Lord* (*save us not this day.*) And such I take to be that 1 *Cor.* 15. 31. *By your*, or (as some Copies have it) *our rejoycing which I have in Christ Jesus, I die daily*: that is, I assure you by my rejoycing which I have in Christ, which I lay to pledge, as one willing to lose it, if I speak not truth, *I die dayly*, that is, every day I am obnoxious to death, by reason of my persecutions; and this form of swearing is proved to be such by the particle νὴ, which we Translate by,

and

Lect. 4.

and is a known particle of swearing among the *Greeks*, and the proof vindicated in my *supplement*, p. 10. And in this sort of swearing there are many forms used in common speech, *As God help me, as God save me, as I hope to be saved, on my salvation, I take it on my salvation*, and those solemn Oaths of Commons, *so God help me, and by the Contents of this book*, and of Noble-men laying their hands on their breast, and swearing *upon their honour*, are all of this sort of swearing by oppignoration, and pawning of things dear to them. And in this manner when men swear by holy things as dear to them, they pawn them, as when men swear *by the blood, wounds, body of Christ*. So the *Sethians*, saith *Selden*, lib. 1. *de synod. Ebræorum*, c. 2. out of *Eutychius Patriarch of Alexandria, did solemnly swear by the blood of* Abel, *the Jews by the* Corban, *the gift of the Altar, or to the Treasury of the Temple*, which *Josephus* against *Appian* makes *the solemn Oath of the Jews*, and our Lord, *Matth.* 23. 16, 17, 18, 19, 20 21, 22. mentions *swearing by the Temple, Altar, Gold of the Temple, gift on the Altar*, which have some kind of pawning to God our interest in them. He that saith, *By my Sons, pawns them to God, that that may come upon their head, which goes out of his mouth, if true true, if false false, as Lumbard. 3. sent. distinct. 39.* allegeth *August. in serm. 28. de verbis Jac. Apost.* And in this manner do men swear when they say on their Souls, on the Sacrament, on their Christendom, as they are Christians, on the Gospel, and many more things, especially Papists, when they swear by the Mass, Rood, Cross, Crucifix, holy Reliques, which they ingage for their Faith, as forfeiting them, renouncing them, and giving them as lost, or things rejected, or disclaimed, if they speak not Truth.

S. Augustin. tom. 10. serm. 28. de verbis Apostoli Jac.

§. 6. Of the form of simple swearing, and with use of some Rite to signifie it.

Lastly, forms of swearing are expressed by simple words, as when in the University of *Oxford* the Proctor saith to the Graduate in Schools, *thou shalt swear, that thou wilt not*, &c. and he answers, *I do swear*, this is without any Rite to make it solemn, & thus oftimes in ordinary speech when such words come from persons, I swear I will do thus, or thus, it is thus, or thus, without adding by God, or any other Words, or Rites, it is an Oath, though through ignorance it be not so taken. But it is a solemn Oath, when it is taken with certain forms of words fore-conceived, or Rites and Ceremonies as signs of an Oath.

And

And thus both among the Patriarchs, and holy men of old, the Gentile Idolaters, Popiſh, and Proteſtant Chriſtians there were, and are uſual Rites of ſwearing, which it is needfull to underſtand. *Lect.* 5.

Exod. 20. 7. Deut. 5. 11.

Thou ſhalt not take the name of the Lord thy God in vain, &c.

Lect. 5. *Of the Rites of ſwearing.*

§. 1. *Of the Rite of ſwearing by lifting up of the hand.*

THe Rite, or ſign of ſwearing, which we find aſcribed to God, Angels, and men, and accounted the moſt proper and ſolemn Rite of ſwearing, is the lifting up the hand, which ſhews invocation of God, and expectation of Gods interpoſing, from the acknowledgement of his infallibility, juſtice, and power. Thus *Exod.* 6. 8. *And I will bring you into the Land, concerning the which I did ſwear to give it to* Abraham, *to* Iſaac, *and to* Jacob, *and I will give it you for an heritage: I am the Lord:* that which is Tranſlated *I did ſwear*, is, *Heb. lift up my hand*; as the Margin obſerves. The like is, *Numb.* 14. 30. And when God ſaith, *Deut.* 32. 40. *For I lift up my hand to Heaven, and ſay, I live for ever*, the *Greek* Lxx. turns it, *For I will lift up my hand to Heaven, and ſwear by my right hand, and will ſay, I live for ever*, that is, as *Piſc.* in his *Scholie* on the *place*, *I will ſwear, As certain as it is that I live, ſo certainly will I do what I ſay.* Whence God is ſaid *to ſwear by his right hand, and the arm of his ſtrength*, Iſa. 62. 8. So *Ezek.* 20. 5. *When I lifted up my hand unto them, ſaying, I am the Lord your God*, that is, ſaith *Piſcat.* in his *Scholie*, *I ſware to the poſterity of* Jacob. In like manner, *Dan.* 12. 7. *And I heard the man cloathed in Linnen, which was upon the waters of the River, when he held up his right hand, and his left hand unto Heaven, and ſware by him that liveth for ever, that it ſhall be for a time, times, and a half*, Revel. 10. 5, 6. *And the Angel which I ſaw ſtand upon the Sea, and upon the Earth lifted up his hand to Heaven, and ſware by him that liveth for ever and ever, who created Heaven, and the things that therein are,*

and

Lect. 5.

and the Earth, and the things that therein are, and the Sea, and the things that are therein, that there ſhould be time no more. This Rite was uſed by Infidels, *Virgil. Æneid.* l. 12. *Sequitur ſic deinde Latinus Suſpiciens cœlum, tenditque ad ſydera dextram. Hæc eadem* (Æneas) *terram, mare, ſydera iure.* In like manner, *Gen.* 14. 22. *And* Abraham *ſaid unto the King of* Sodom, *I have lift up my hand unto the Lord the moſt high God, the Poſſeſſor of Heaven and Earth, that I will not take from a threed, even to a ſhoe latchet, and that I will not take any thing that is thine.* Ainſworth *annot. on Gen.* 14. 22. *lift up my hand*] *ſo they were wont when they did ſwear,* Dan. 12. 7. Revel. 10. 5, 6. *The* Chaldee *expoundeth it of lifting up in prayer: it ſeemeth to be a vow that* Abraham *made when he went to the War, wherein he both prayed for victory, and ſware this Oath: for theſe are joyned together,* Pſal. 132. 2. Judg. 11. 30, *&c.* Chriſtoph. Cartwright, *annot. in* Gen. *that phraſe, to lift up the hand notes an Oath. The ſame notes* Aben Ezra, *who cites that* Deut. 32. 40. *obſerve* (ſaith Gualtperius) *the* Chaldee *paraphraſe, calleth an Oath Prayer. But perhaps the* Chaldee *underſtood not here by the lifting up of the hand an Oath, but ſimply Prayer. But* Jonathan *hath, I have lifted up my hand by Prayer.* Grot. *annot. in* Gen. 14. 22. *Geſtus jurantium, the geſture of men that ſwear.*

§. 2. *Of ſwearing by putting the hand on the book of the Goſpels, on the breaſt, giving the hand.*

Pareus *Comment. on* Gen. 24. 2. *We at this day ſwear three fingers of the right hand being lifted calling upon the holy Trinity as Avenger,* and a little after, *it is not without ſuperſtition that men ſwear fingers being put on the book of the Goſpel, as in the Papacy.* But the putting of the fingers on the book of the Goſpel hath as much example as the lifting up of three fingers onely, in the holy Scripture, and therefore may be as free from ſuperſtition as the other. 'Tis true, *William Thorp* in his *Examination* in Mr. *Fox* his book of *Acts and Monuments*, under King *Henry* the fourth, *held it unlawfull to ſwear touching a book, conceiving it to be ſwearing by a Creature*, and *Pareus* conceives it to have been an uſe of Popery. But *Chryſoſtom* and *Auguſtine* make mention of laying hand on the Bible, and the uſe of it in Civil Courts is noted in the *novels of Juſtinian*, of which may be ſeen *Coſins Apology for Proceedings Eccleſiaſtical, part.* 3. c. 4. *Andrew Rivet*, in *Exod.* 20. 7. *de Juram.* q. 3. ſaith, *It may be asked concerning that cuſtom, which as yet is in ſome Churches, which otherwiſe have ſhaked off the Popiſh ſuperſtitions, that he, who ſwears, touch the holy Bible, or the book of the Goſpels, or ſome*

part

part of it. His anſwer is, If the words be conceived as with the Papiſts, ſo God help me, and theſe holy Goſpels, theſe Reliques of ſuperſtition cannot be excuſed; Otherwiſe, if any touching the Book of the Goſpel, ſwear before God that he ſpeak true things, as he believes thoſe things to be true, which are read in the Goſpel, Yet I ſhould think it ſafer to abſtain from all ſuch forms, in which ſuperſtitious abuſe hath ſo long prevailed, and yet doth, that Gods honour may remain untouched, and there may be no need of diſtinction, or laborious explication of our deeds, or ſayings. Of late ſome have made it a ſcruple to ſwear upon a Book, as conceiving it idolatry, or will-worſhip, or ſuperſtition. But the words being in the Oath of Supremacy, *ſo help me God, and by the Contents of this Book*, or as in the Oath of Allegiance, and in common uſe in judicial proceedings, *ſo help me God*, the Book being uſed onely to ſhew our expectation of help from God through Chriſt, according to the Goſpel, there is no ſwearing by a Creature, idolatry, will-worſhip, or ſuperſtition: much leſs if the Book be onely touched, (which I am told the Law onely requires, *tactis ſacroſanctis Dei Evangeliis*, which I wiſh were accordingly put in practice) and not kiſſed, which was an Act of Adoration, 1 *Kings* 19. 18. and therefore hath more ſhew of adoring the Book, though I am aſſured it was never ſo intended, no not in Popery, the Papiſts never adoring the Bible, though they do the Hoſt, the Crucifix, &c. The Oath is a plain regular form of ſwearing, of pawning, or engaging our expectation of help from God, to forfeit it, if we ſpeak not truth, and the touching, and kiſſing of the Book is but a ſign of our believing in God through Chriſt, by whom, and by whoſe words of eternal life we hope for help to ſalvation; nor is every ſign of Worſhip of God, though we have no example for it in Scripture, or precept, idolatry, ſuperſtition, or will-worſhip, if we do not place the Worſhip of God in it, or count it neceſſary. Carrying a Bible under the arm is a ſign of confeſſing God; covering the eyes, or face with our hats, is a ſign of praying, without example in Scripture, yet being uſed without opinion of neceſſity, or Worſhip of themſelves, there is no ſuperſtition in them. Dr. *Ames* in his *Marrow of Divinity*, lib. 2. c. 10. §. 37. doth rightly reſolve thus. *That ſolemnity which in ſome places is uſed in touching, and kiſſing of the Book, is plainly of the ſame kind with the elevation, or apprehenſion of the hand, that is, it ſignifies conſent to ſwear, and the Oath it ſelf.* Which puts in mind of an- Lect. 5.

Lect. 5.

other Rite of ſwearing by *giving the hand*, mentioned, *Ezek.* 17. 18. *ſeeing he deſpiſed the Oath, by breaking the Covenant, when lo, he had given his hand*, that is, his hand being given to him, he promiſed, and ſware ſubjection to the King of *Babylon*. For, *giving the hand*, is a ſign of a promiſe of fidelity, as 2 *Kings* 10. 15. when *Jehonadab* gave *Jehu* his right hand. And thus when perſons are made friends, or promiſe amity one to another, they give each other their hands, and when Husband and Wife give to each other their right hands, and plight their Troth each to other, and witneſs this before God by joyning of hands, it hath the Form and Rite of an Oath, called *the Covenant of God*, Prov. 2. 17.

The Grecians in Homers Iliads, ſay, Where are your Oaths and right hands to which we truſted?

There is a uſe with us in *England* for a Noble-man, inſtead of ſwearing by the touching Book, to lay his hand on his breaſt, & to teſtifie upon his honour, which is taken as equivalent to an Oath in Law, and is indeed an Oath, wherein he doth pawn his honour (which he takes, or pretends to take to be as dear to him as life) that he ſpeaks truth, and engageth to forfeit it, if he do not. I ſee not but this ſwearing is lawfull, and I wiſh Noble-men may take notice, that if they teſtifie that which is falſe, or break their word, they are guilty of Perjury as well as if they had ſworn with touching the Goſpel. And it ſeems to me, that the ſame thing is to be ſaid of a King, when he ſhall aſſure his ſubjects on the word of a King ſolemnly, as before God, that it is to be taken as an Oath, and to bekept as an Oath, and that the breach of it is Perjury, which *tanto conſpectius in ſe Crimen habet quanto major qui peccat habetur*, as ſaith the Poet. The like is to be ſaid of them that aſſure others *verbo Sacerdotis*, or as it is ſometimes expreſſed by the Oath of their Prieſthood.

S. 3. Of ſwearing by putting the hands under the Thigh.

Another Rite of ſwearing, is, that whereby the ſervant of *Abraham*, or Steward of his houſe ſware to *Abraham*, by *putting his hand under his thigh*, which, as Mr. *Selden* ſaith, *de Synedr. Ebr.* l. 2. c. 2. *Aben Ezra reckons as a Rite which in thoſe dayes was accuſtomed as a part of humane Law.* The reaſon thereof is variouſly conceived: By many, that it was a ſign of the Covenant of Circumciſion, which was in that part, which was neer the Thigh: others conceive it was as a ſign of the Meſſiah

siah to come out of his Thigh. And thus *Augustin* in his 62. *Question*, on *Gen.* and *de bono Conjugali*, c. 19. makes it a *Prophecy* of the generation of Christ from *Abraham*. And so do *Eucherius* and others. But sith these are but Conjectures, and we find the same done by *Jacob*, in causing *Joseph* to put his hand under his Thigh, and to swear that he would bury him in the Land of *Canaan*, *Gen.* 47. 29, 30, 31. though that were an act of Faith also: yet it being not as that of *Abrahams* swearing of his servant, *Gen.* 24. 2. to take a Wife for his Son, (which hath more shew of a Prophecy, concerning the begetting of a holy posterity from whom the Messiah should come) but onely to engage him to bury him with his Ancestors, it may seem rather a solemn Rite then in use, without respect to either of those reasons. Some Divines do conceive that it was in sign of subjection, that the hand was put under the Thigh, so *Pareus* on *Gen.* 24. 2. *Rivet* in *Exod.* 20 7. *de Juram.* q. 3. But me thinks the requiring it of *Joseph* by *Jacob*, by way of prayer, *Joseph* being then Viceroy, or Regent of *Egypt*, and *Jacob* but a sojourner there, doth gainsay this conceit, though *Jacob* were his Father. This Rite of swearing I find not used by any other but these two, nor of any thing like it among the Gentile Idolaters, or the Christians. *Litt.* 9.

S. 4. *Of the Rite of swearing by coming before the Altar.*

Another Rite of swearing is the comming before the Altar of God, of which I read thus, 1 *Kings* 8. 31. *If any man trespass against his neighbour, and an Oath be laid upon him to cause him to swear, and the Oath come before thine Altar in this house, then hear thou in Heaven, and do, and judge thy servants. The coming before the Altar*, whether to see it, or take hold of it, was for greater dread of God, who *is a consuming fire*, Heb. 12. 29. and would consume them as the fire of the Altar doth the burnt Offering if they testified not truth; or to shew them faith in that God, whose Altar it was; For the building of an Altar was a sign of acknowledging of that God to whom the Altar was dedicated, *Gen.* 12. 7, 8. and 13. 4, 18, &c. I find that the later *Jews* were wont to *swear by the Altar*, and according to their erroneous determination, *it was nothing*, saith our Saviour, *Matth.* 23. 18. that is, it did not bind them so, as that they might not break it at their pleasure. They distinguished between an Oath by the gift on the Altar, and by the the Altar, the former they would have inviolable, not the later, as being a lesser Oath, as they determined in like manner con-

Lect. 5. cerning the Oath that was by the *Gold of the Temple*, that is the Gold that was brought into the treasury of the Temple, which was called *Corban*, that it was a greater Oath, whence *Josephus* against *Appion*, lib. 1. makes the Oath by *Corban* one of the proper Oaths of the *Jews*, and our Lord Christ saith, *Mark.* 7. 11. they would permit a person that had taken that Vow, or Oath, to neglect providing for his Father, or Mother: But the Oath by the Temple they reckoned among the lesser Oaths, it being for their profit that gifts on the Altar, and the money brought into the Treasury should be counted most holy, not so much regarding Gods honour as their own lucre, to which they were much addicted, as appeared by their buying and selling in the Temple, *John* 2. 14, 15, 16. whereby *they made it a house of Merchandise.* But doubtless coming before the Altar to swear, mentioned 1 *Kings* 8. 31. was one of the most solemn binding Rites of swearing by Gods appointment, we read *Numb.* 5. 16. that God appointed in the case of jealousie *the Husband should bring his Wife to the Priest, and his Wives offering of jealousie, and the Priest should bring her near, and set her before the Lord,* that is, before the Sanctuary where God is said to dwell, particularly before the Altar, whither they came who went to Gods Tabernacle, *Psal.* 43. 3, 4. *Matth.* 5. 23, 24. and that *the Priest should charge her there by Oath,* v. 19. 21. and she was to answer *Amen, Amen,* which was the form of assenting to that Oath, or Curse pronounced by the Priest, which God made effectual after her drinking the bitter water in case she were guilty of Adultery. *Cicero* in his *Oration for Balbus* mentions it *as a custom of the* Greeks, *that persons should go to the Altars to take Oaths,* and in his *Oration for Flaccus,* he saith of one, *that no man would believe him though he held the Altar when he did swear*: which shews, that when those Gentiles sware they held the Altar, and that they counted that Oath most solemn and binding, and that those were men of no Faith that would swear before the Altar, and not keep their word, for the Altar was counted a holy place, and by no means to be profaned, which they counted a false Oath to do. In the *Greek* proverb, when a man promised to be a friend to another without violating of Religion, he was wont to say he would be his friend μέχρι βωμῶν, *usque ad aras, till he came to the Altars,* but there he would forget his friend and friendship, and remember his God, and his Religion. *Even now,* saith *Zanchius, tom.* 4. l. 1. *de*

Jura-

Juramento, 1 *Theſ.* 5. *when Emperours and Kings are created, and promiſe by Oath that they will keep the Laws, they are wont to ſwear at the Altar, touching it with their hands. This Ceremony,* ſaith he, *is from the Gentiles, and is wont to be obſerved onely in the ſolemn Oaths of Kings and Emperours.* And in the cloſe adds this, *all theſe Rites were ſuch, and are in their nature, that unleſs ſome ſuperſtition be annexed to them they cannot be diſproved.* Lect. 5.

Thus was the King of *England* ſworn at his Coronation, *April* 23. 1661.

Ariſtotle alſo in the third of his *Politiques*, ſaith, *the Oath was the ſtretching, or holding out of a Scepter by a King. So* ſaith Suidas, *they termed the Kings Scepter* ὅρκιον, *becauſe they were wont to ſwear by it.* Thoſe, and many more ſuch wayes of ſwearing there were among the Gentiles, of which may be ſeen *Alexander ab Alexandro Genial. dier.* lib. 5. c. 10. *Gell. noct. Attic.* l. 11. c. 6.

§. 5. *Of ſwearing by dividing a beaſt, and paſſing through the parts.*

There yet remains one Rite of ſwearing mentioned in Scripture of cutting a Calf in twain, and paſſing between the parts thereof. Thus we read, *Jerem.* 34. 15. that *the Jews made a Covenant before God in his houſe which was called by his name,* and v. 18. it is ſaid, *And I will give the men that have tranſgreſſed my Covenant, which have not performed the words of the Covenant which they had made before me, when they cut the Calf in twain, and paſſed between the parts thereof, the Princes of* Judah, *and the Princes of* Jeruſalem, *the Eunuchs and the Prieſts, and all the people of the Land, which paſſed between the parts of the Calf, I will even give them into the hand of their Enemies.* Which *was a ſolemn Rite of dividing the body of ſome ſlain beaſt for ſacrifice, and paſſing through the ſides of it lying apart, as confeſſing themſelves worthy, and in way of execration* (*whence the Oath and the Curſe,* Nehem. 10. 29.) *thereunto devoting themſelves to be ſo cut in twain,* (Matth. 24. 51.) *and deſtroyed as that Creature was, if they ſhould violate the Covenant that then they made,* as Mr. *Gataker* explains it in his *Annot.* on *Jerem.* 34. 18. in the book of the *Annot.* made by divers on the whole Bible. Hence the phraſe of *making a Covenant* there, and elſewhere, is in Hebrew *cutting a Covenant*, and *paſſing into Covenant*, Deut. 29. 12. *that thou ſhould enter*, (in the Margin, Heb. *paſs*) *into Covenant with the Lord thy God, and into his Oath which the Lord thy God maketh*, (Heb. *cutteth*) *with thee this day.* In like ſort we find when God made a Covenant with *Abraham*, Gen. 15. 18.

Heb.

Lect. 5. Heb. *cut a Covenant*, *Abram* is bid, v. 9. *take me an Heifer of three years old, and a ſhee-goat of three years old, and a Ram of three years old, and a Turtle Dove, and a young Pigeon. And he took unto him all theſe, and divided them in the midſt, and laid each piece one againſt another: but the Birds divided he not,* v. 17. *and it came to paſs that when the Sun went down, and it was dark, behold, a ſmoaking Furnace, and a burning Lamp that paſſed between thoſe pieces. By this paſſage the Lord would ſignifie the making, or cutting of the Covenant, between him and his people, as the next verſe ſhews,* ſaith *Ainſw.* on Gen. 15. 17. Thus Covenants were wont to be made by ſacrifice, *Exod.* 24. 8. *Pſal.* 50. 5. And ſuch a Rite was uſed among the Heathen in ſolemn Leagues and Agreements. *Homer* in the third of his *Iliads* mentions the Meſſengers of *Agamemnon* bringing Lambs and Wine, ὁφρ' ὅρκια τάμνῃ, *that he might cut Oaths*, which were therefore called ὅρκια πιστὰ, *ſure Oaths*, or *Covenants*, and the like is in *Virgils Æneid.* l. 8. and the *Romans* uſed a like Rite to kill a Pig, with this ſpeech, as it is in *Livy*, lib. 1. hiſt. *Thou* Jupiter *ſo ſmite him that breaks this League, as I do this Pig*, and *lib.* 21. *He prayed the Gods that they would ſo ſlaughter him, as he did that Lamb*, In *Polybius* and *Feſtus*, as *Grotius de jure belli ac pacis*, l. 2. c. 9. cites them, there was this Rite and Form of ſwearing, *Let* Jupiter *ſo caſt me away, as I do this ſtone*, whence came the phraſe of *ſwearing by* Jupiter *ſtone, which was accounted the moſt holy Oath*, *Gell. noct. Attic.* l. 2. c. 21. or becauſe the Oath was before the ſtone, which was the Image of *Jupiter*, as *Auguſtines* words intimate, *ſerm.* 28. *de verbis Apoſtoli, Nehem.* 5. 12, 13. *Then I called the Prieſts, and took an Oath of them, that they ſhould do according to this promiſe. Alſo I ſhook my lap, and ſaid, So God ſhake out every man from his houſe, and from his labour, that performeth not this promiſe, even thus be he ſhaken out and emptied. And all the Congregation ſaid,* Amen, *and praiſed the Lord.* Many more ſuch Rites have been uſed in Oaths of execration, which it would be too tedious to recite.

§. 6. *Of the Rites of eating together, and taking the Sacrament in Oaths and Covenants.*

Laſtly, there was a Rite of ſwearing, and Covenanting in Leagues of Amity by eating together after the ſacrifice, ſo it is ſaid of *Abimelech* and *Iſaac*, when there was an Oath and Covenant betwixt them, *a Feaſt was made, and they did eat, and drink together*, Gen. 26. 28. And when *Jacob* and *Laban* made a Covenant together, and ware one to another, it is ſaid, *Gen.* 31. 54.

31. 54. *Then* Jacob *offered ſacrifice, or killed beaſts* (as it is in the Margin) *upon the Mount, and called his brethren to eat bread, and they did eat bread, and tarried all night in the Mount.* Dr. *Cudworth*, in his book of *the true notion of the Lords Supper*, conceives it to have been a federal Rite, as the feaſting upon a ſacrifice, and it is certain, that, as the Lords Supper ſhould be uſed as a Rite that ſignifies our remembrance of Chriſts ſacrifice, ſo alſo our joyning together into one body, 1 *Cor.* 10. 16, 17. and 12. 13. and it appears by *Chryſoſtoms* words, *hom.* 15. *ad popul. Antioch. In that thou makeſt him ſwear upon the holy Table, where Chriſt offered up is laid wilt thou there ſacrifice thy brother?* that in his dayes there was a Rite among Chriſtians to ſwear, and take the Sacrament of the Lords Supper upon it, and that the Table of the Lord was uſed to this end, as the Altar among the *Iſraelites*: whence it is likely the cuſtom came of confirming Oaths, whether of Leagues, or by teſtifying of the truth to go to the Communion Table, or Altar, among the Papiſts, and to take the Euchariſt, or Lords Supper upon it, as one of the plaineſt, and ſureſt ſigns of their veracity and fidelity. Nor is it unlikely that when in the *Liturgy* of *the Church of England*, in the *Rubrick about Matrimony* it is ſaid, *the new married perſons, the ſame day of their marriage, muſt receive the holy Communion*, that it was, that they might confirm thereby their marriage Covenant. Which cuſtom though appointed, yet is not uſed, or very ſeldom uſed, even by the ſtricteſt obſervers of the Liturgy, and that perhaps with good reaſon. For, 1. that number is not ſufficient to receive the Communion even by the direction of the Rubrick about the Communion. *If there be not above twenty perſons in the Pariſh of diſcretion to receive the Communion, yet there ſhall be no Communion except four, or three at the leaſt Communicate with the Prieſt.* 2. Nor are alwayes the perſons married of age, or knowledge fit to Communicate, nor is there time to examine the perſons, or conſider how fit they be, and how diſpoſed, nor is marriage to be confined onely to Chriſtians of the ſame profeſſion, nor is the ſtate of perſons at that time ſo fit for that buſineſs, who prepare for marriage Feaſts, and Ornaments, allowed by God himſelf, with marriage delights. 3. Nor was the Lords Supper appointed for that, end to confirm marriage Covenants, which are things civil, but Eccleſiaſtical, or Church Union in the body of Chriſt. 4. Nor are perſons to receive under a civil conſidera-

Lect. 5.

tion,

Lect. 5.

tion, but as Diſciples, *Acts* 20. 7. and in a meeting of the Church, and eſpecially on the Lords day.

§. 7. *Some addition to the third and fourth Lectures about forms of ſwearing.*

To that which I have ſaid about Forms and Rites of ſwearing it is to be added, that *Hugo Grotius*, lib. 2. *de Jure belli ac pacis*, c. 13. §. 10. ſaith, *that the forms of ſwearing differs in words, agrees in the thing. For it ought to have this ſenſe, that God be called on, ſuppoſe in this manner, let God be Witneſs, or let him be Avenger, which two come to one. For when a Superiour that hath the power of puniſhing is called on as a witneſs, with all the revenge of perfidiouſneſs is required of him: and he that knoweth all things is therefore an Avenger, becauſe a Witneſs.* Plutarch *in his* Roman *queſtions, every Oath ends in a Curſe, if any forſwear himſelf.* But (as I ſaid before) it ſeems to me that the forms of ſwearing [as I live, as the Lord liveth,] and ſuch like reduced by me to the firſt form of ſwearing cannot commodiouſly be expounded, as containing a calling God to Witneſs, or Avenge: and therefore the forms of ſwearing differ both in words, and in ſome ſort in the thing.

On the other ſide, they who upon occaſion of urging the Oaths of Supremacy and Allegiance have denied the lawfulneſs of any ſwearing, and being preſſed in writings and ſpeeches with *Pauls* often uſing the calling of God to Witneſs to aſſure the truth of his Words as an Oath, have denied *Paul* to have ſworn, do very abſurdly deny that to be ſwearing, or an Oath, which hath been by all ſorts of Writers, Orators, Poets, Philoſophers, Divines, Lawyers, taken to be ſwearing. For, if ſuch conſent be not ſufficient to ſhew what is meant by a word, I know not how we can avoid uncertainty of underſtanding Authors, or rely on Dictionaries and Grammarians about the uſe of Terms. And, for that which they ſay, that they can call God to Witneſs, and teſtifie the truth of things, and intentions before God, yet conceive they may not ſwear at all, it is all one as in the conſtruction of thoſe who have ſpoken, or written of ſwearing (which is the way we have to decide a queſtion about the notion of a word) as to ſay they may ſwear, and they may not ſwear.

In the *Maſter of the ſentences third book, diſtinct.* 39. F. I find thus, *whence Auguſtin: it is ridiculous to think this, if thou ſay, [By God] thou ſweareſt, if thou ſayeſt [God is my Witneſs] thou doſt not ſwear: For what is [by God] but [God is my Witneſs,] or what is [God is my Witneſs] but by God?* And before them,

Tully

Tully in the third *Book* of *Offices*, describes swearing *to be addressing to God as Witness.* As for the Objection, mens calling other men, or the Heaven and Earth to Witness should then be swearing. I answer, no: for as *Aristotle* in his *Rhetorick to Alexander the Great*, c. 18. *an Oath is still* μετὰ θείας παρεκλήσεως, *with appealing to some Deity*, or as *Tully*, l. 3. *offic. affirmatio religiosa*, a Religious affirmation for the assuring of the truth of what we say, which is not in those speeches, nor in 1 *Tim.* 5. 21. And whereas it is replied, that those are then unrighteous, who will not take such an assuring by calling God to Witness without laying the hand on the book of the Gospels, and kissing it; though it belong not to me to justifie their actions, yet I may say, if the Law require that gesture in solemn Corporal Oaths, it may not be in their power to relax the Law, and whether it be fit for Law-givers to alter a Law to gratifie men of scrupulous consciences, which may otherwise be resolved without either infringing just liberty of conscience, or necessary esteem of Authority and Laws, belongs to prudent States-men to determin. That which was my work to clear, the Nature, Forms, and Rites of Swearing from such doubts and exceptions and mistakes as I have met with, I have endeavoured to do, and now go on with more ease having past these thickets. *Lect.* 6.

Exod. 20. 7. Deut. 5. 11.

Thou shalt not take the name of the Lord thy God in vain, *&c.*

Lect. 6. *Swearing is Divine Worship, not to be given to a Creature.*

§. 1. *By consent of Christians and Infidels swearing is accounted Divine Worship.*

From the Declaration of the Nature, Forms, and Rites of Swearing, two questions arise to be discussed. 1. Whether swearing be a part of Divine Worship? 2. Whether we may swear by a Creature? In answer whereto, I say, that understanding it of the swearing of created beings, their swearing is an act of Divine Worship, or Religion, *Aqu.* 2a. 2æ. q. 89. *art.* 4. having disputed the point determines, *that an Oath is, actus latriæ & religionis, quo quis profitetur Deum indefectibilis veritatis,*

Lect. 6.

tis, & super omnes excelsum & sapientem: that is, *that it is an act of highest Worship, whereby any professeth God to be of unfailable truth, and high above all, and Wise.* And conformably hereto the School-men, and later Romanists acknowledge Oaths to be acts of Divine Worship, and that by an Oath, as *Bellarm.* lib. 2. *de Monachis*, c. 16. speaks, *the swearer protests God to be the immutable truth, and assertor of truth.* Yea, not onely the *Roman* Christians, but also the Pagan Philosophers and Orators, as *Aristotle* in his *Rhetorick* to King *Alexander*, c. 18. and *Tully*, lib. 3. *de Officiis*, and generally all people acknowledge swearing an act of Religion due to the true God, or supposed Deities. *Achish* King of *Gath*, 1 *Sam.* 29. 6. *sware, as the Lord liveth.* And in like manner *Laban* by his God, *Gen.* 31. 53. The most barbarous people have counted the sin of Perjury a violation of the name of their Gods, thereby shewing their opinion of their swearing, as part of religious Worship of the Deity.

§. 2. *The holy Scriptures make swearing a part of Divine Worship.*

Which is consonant to the holy Scripture and right Reason. For, 1. Those Scriptures which require it, call for it, as due to the true God, and no other. *Deut.* 6. after the precept, *v.* 13. *Thou shalt fear the Lord thy God, and serve him, and shalt swear by his name*, it is added, *v.* 14. *Ye shall not go after other Gods, of the Gods of the people that are round about you*, shewing thereby, that, as fear, and service is appropriated to God; so swearing by his name, as part of his Worship, not to be Communicated to any other, but the true God. To the same purpose is the precept, *Deut.* 10. 20. *Thou shalt fear the Lord thy God; him shalt thou serve, and to him shalt thou cleave, and swear by his name*, as a reason whereof it is said, *v.* 21. *He is thy praise, and he is thy God*, plainly intimating, that swearing is a part of Gods praise to be appropriated to him that is their God, as being of the same kind with cleaving to him. In like manner, *Jerem.* 4. 2. *And thou shalt swear the Lord liveth, in truth, and righteousness, and judgement*, is made a part of the *return* of *Israel* to God, *and putting away their abominations out of his sight*, *v.* 1. which do plainly evince, that God counts swearing of men a part of that religious Worship which is due to him onely, when it is necessary.

2. Which is further confirmed from those Scriptures, which make it a part of glorying in God, and blessing him, as *Jerem.* 4. 2. to the precept, *and thou shalt swear the Lord liveth, in truth,*

in

in judgement, and in righteousness, it is added, *and the Nations shall bless themselves in him, and in him shall they glory*, which shews that God accounts holy swearing a blessing of God, and glorying in him, or at least suitable to it. Agreeably whereto is the speech, *Isai* 65.16. *that he who blesseth himself in the earth, shall bless himself in the God of truth, and he that sweareth in the earth, shall swear by the God of truth*, thereby intimating, that to bless ones self in the God of truth, and to swear by the God of truth, are well conjoyned. And where it is said, *Psal.* 63.11. *All that shall swear by God shall glory*, it is meant that he shall glory in God, or shall have occasion to glory, the *Greek* hath it *shall be praised*, and so our Common Version, *shall be commended*. Whereas it is, *Isai* 45.23. *I have sworn by my self; the word is gone out of my mouth in righteousness, and shall not return, that unto me every knee shall bow, every tongue shall swear*, Rom. 14.11. it is thus expressed, *For it is written, As I live, saith the Lord, Every knee shall bow to me, and every tongue shall confess to God*, thereby shewing that swearing to God is a confessing to God, and that he who rightly swears by God doth duely acknowledge him. *Esa.* 6.

3. This is further proved from the speech of the Author to the *Hebrews*, ch. 6.16. *Men verily swear by the greater*, that is by one who is acknowledged a Divine power, that can judge of that Enuntiation which is made in swearing: of which there is no other reason, but because swearing is a part of Divine honour due to the highest, and Supreme being, and that thereby a great imparity there is in Gods swearing and Mans; *God having none greater than himself, swears by himself*, man swears by God as the greatest.

4. For this reason it is that in swearing, and exacting Oaths, holy men have used much dread and reverence. Thus did *Abraham* in his requiring an Oath of his servant, *Gen.* 24.2. concerning the obtaining a Wife for his Son, and *Jacob* in his League with *Laban*, when he *swore by the fear of his Father* Isaac, *Gen.* 31.53. and when he made *Joseph* swear to him, *Gen.* 47.31. *he bowed himself upon the beds head*, it is termed *Worshipping*, *Heb.* 11.21. all which shew, that it was performed with reverence and dread of God, and as a part of his Worship.

5. For the same cause great fear hath been in holy persons that an Oath might not be broken, because it was a taking of the name of God into their mouths, which is termed *the glo-*

Lect. 6.

rious and fearfull name, Deut. 28. 58. when an undue Oath was ſworn by the Princes of the Congregation to the *Gibeonites*, and the Congregation murmured againſt the Princes, yet they replied, *We have ſworn to them by the Lord God of* Iſrael: *now therefore we may not touch them*, Joſh. 9. 18, 19. and when *Saul* did but adjure the people by an Oath of curſing him that ſhould taſte of food, it is ſaid that *the people feared the Oath*, 1 Sam. 14 26. and *Jonathans* unwilling infringing of it made God not anſwer, *v.* 37. but was reckoned as a ſin, *v.* 38. deſerving death, *v.* 39. and *Ezek.* 17. 19. God threatens *Zedekiah* King of *Judah*, with deportation to *Babylon for deſpiſing his Oath*, accounting it a very great ſin that he ſlighted the Oath he had taken in the name of God, though it were to an Enemy, extorted from him by force to be ſubject to a Tyrannous King, whoſe title was onely his ſword. In a word, an Oath is called *an Oath of God*, Eccleſ. 8. 2. and *Eccleſ.* 9. 2. a godly man is deſcribed to be *one that feareth an Oath*, to ſhew, that an Oath is a part of Gods Worſhip, which is to be performed with dread, and the profaning thereof a great diſhonour to God.

6. Laſtly, in the very nature of it mens ſwearing by God is an addreſs to God, and if done rightly it is an imperate act of Faith, wherein Gods Being, Wiſdom, Power, Juſtice is acknowledged, his knowing, judging, working all things is minded, ſo that he who ſwears in truth reſpects God as a God of truth, and righteouſneſs, & he that doth it deceitfully deems him either not to be, or not to be feared, than which there are not many greater provocations. And therefore they that ſwear by other things than God, are Idolatrous, they that mind not God in ſwearing are profane, and ſacrilegious, all, whether Pagan Idolaters that ſwear by their Idols, *Mahometans* that ſwear by their many Prophets, the Papiſts who ſwear by their Saints, the Maſs, the Crucifix, do greatly diſhonour God, and thoſe who without reverence, and due regard to God abuſe his name in vain ſwearing do much pollute it. Yet it is to be remembred, that it is not ſimply the atteſtation that is Gods Worſhip, for the calling men to Witneſs with us is not Divine Worſhip, but the addreſſing to God as greater, able to know, and judge whether we ſpeak truely, is that which makes it either in the intention of the ſwearer, or the nature of his Oath, Divine Worſhip.

The determination of the former queſtion leads us to the conſideration of the ſecond, whether we may ſwear by a Creature? The arguments for the Negative that it is not lawfull are theſe?

Lect. 6.

§. 3. *Arguments against swearing by a Creature.*

1. It is before proved, and concluded to be a part of Divine Worship, therefore not to be given to any but God: for to Worship a Creature with that Worship which is Divine is Idolatry, as is proved at large by Dr. *John Rainold* in his second book, *de Romana Ecclesiæ Idololatria*, not yet answered.

2. Many Texts of Scripture ascribe swearing by God as proper to him; as for instance those Texts which were before alleged, *Deut.* 6. 13. *Thou shalt fear the Lord thy God, and serve him, and shalt swear by his name*, which makes swearing by the name of God proper to him, as it doth fear and service. The same thing is repeated, *Deut.* 10. 20. *Thou shalt fear the Lord thy God, him shalt thou serve, and to him shalt thou cleave, and swear by his name*, wherein fearing God, serving him, cleaving to him, and swearing by his name are made duties of the same extent, swearing by a Creature no more allowed than fearing, serving, and cleaving to it, *Isai* 65. 16. it is made a principal benefit to Gods new-named servants, that *as he who blesseth himself in the earth shall bless himself in the God of truth, so he that sweareth in the earth shall swear by the God of truth* whence it may be inferred, that as none is to bless himself in any other than the God of truth, so he is to swear by none other than the God of truth, *Jerem.* 4. 2. it is required of *Israel* as an effect of their *returning to God, and putting away their abominations out of his sight*, that they should *swear, the Lord liveth, in Truth, in Judgement, and Righteousness, and the Nations shall bless themselves in him, and in him shall they glory*, thereby shewing that as blessing themselves, and glorying, is to be in no other than the Lord, so swearing is to be by no other than the living God.

3. Some Texts of Scripture make it the use of holy persons to swear by God, excluding others, as when it is said, *Gen.* 31. 53. that *Laban* said, *The God of* Abraham, *and the God of their father judge betwixt us*, Jacob *sware by the fear of his father Isaac*, declining swearing by any other God than he whom *Isaac* his father feared, who was *Jehovah* the true God, *Psal.* 63. 11. it is said, *they that swear by God shall glory, or shall be praised*, which shews that they who swear by any other have no glory, and that swearing by any other is without praise, and justly blameable, *Jerem.* 12. 16. *And it shall come to pass, if they will diligently learn the ways of my people, to swear by my name (the Lord liveth), as they taught my people to swear by* Baal:) *then shall they be built in the midst of my people*: which proves that

it

Lect. 6. it was the way of Gods people to swear the Lord liveth, not to swear by *Baal*, or any other Idol, or Creature.

4. Some Texts expresly condemn swearing by any other than the true God, *Josh.* 23. 6, 7. *Joshuah* chargeth the people of *Israel* thus; *Be ye therefore very courageous, to keep, and do all that is written in the book of the Law of* Moses, *that ye turn not aside there from to the right hand, or to the left, that ye come not among these Nations, these that remain among you, neither make mention of the name of their Gods, nor cause to swear by them, neither serve them, nor bow your selves unto them:* wherein swearing by other Gods is condemned as turning from God, and serving, and bowing themselves to those Gods, *Zephan.* 1. 5. God threatens *to cut off them that Worship the Host of Heaven upon the house tops, and them that Worship, and that swear by the Lord, and that swear by Malcham*, wherein he declares his anger against such as though they swear by the Lord, yet joyn swearing by *Malcham* with it, shewing that as God brooks no corrival in other parts of his Worship, so neither in this of swearing. For which reason God forbids, *Hos.* 4. 15. Judah *not to come to* Gilgal, *nor to go up to* Bethaven, *nor to swear, the Lord liveth*, that is not to swear there, *the Lord liveth*, lest it should be taken for a Worship of that Idol, their going up thither being to Worship the Idol, and consequently their swearing by Gods life inconsistent with that Worship which God abhorred. Wherefore he threatens *Amos* 8. 14. *They that swear by the sin of* Samaria, *and say, Thy God, O* Dan *liveth, and the manner of* Beersheba *liveth, they shall fall, and never rise up again*, because though they sware by the living God resembled by the Calf at *Dan*, yet God abhorred that Worship as presented to him under an Image, or Idol set up by man. Yea God makes this as it were an unpardonable sin, *Jerem.* 5. 7. *How shall I pardon thee for this? thy Children have forsaken me, and sworn by them that are no Gods*: in which speech God intimates it to be a forsaking him, and such as was not to be pardoned, that the *Israelites* sware by them that were no Gods; whence it is to be inferred, that God allows no swearing by them that are no Gods, but by himself onely.

§. 4. *Holy men except against swearing by Creatures, Heretiks & Idolaters used it.*

Eusebius in the fourth book of his *History*, ch. 15. saith, that in the Epistle of the Church of *Smyrna* concerning *Polycarpus* their Bishop his Martyrdom, it is related, that he told the Proconsul that *he was a Christian, and that he might not*

swear

swear by the fortune of Cæsar; it is likely they did give some Divine honour to *Cæsar* thereby, not to be attributed to a man: For *Tertullian* saith, *the Christians would swear* (it is likely by way of oppignoration) *by the safety of the Emperour, though they would not by his* Genius; *yet the Laws of the French* Christians *did severely prohibit swearing by the safety of the King and his Children*, saith *Delabarre, annot.* on *Tertullian ad Scapulam.* Among the Canons of the fourth *Council of Carthage*, in the History of the *Magdeburgenses*, Cent. 4. c. 9. this is the 61. *Canon, that a Clergy man that swears by Creatures is most sharply to be rebuked, if he persist in his fault to be excommunicated.* It is charged by *Epiphanius Panar.* l. 1. as an Heresie on *Elxai*, that he taught men were *to swear not onely by God, but also by Salt, Water, Wind, Bread, the Earth*, and other Creatures. *Augustin. tom. 6.* l. 19. c. 22. chargeth the *Manichees with frequent swearing without any scruple of mind by Creatures, as by the light, the paraclete, meaning not him whom Christ promised, and sent to his Disciples, but Manichæus.* Which usage of swearing by Creatures is therefore accounted the more evil, because whereas the holy *Jews* were wont to swear the Lord liveth, *partly swearing by Creatures had its Original from the doating on Idols by* Chaldæans, Egyptians, *and other superstitious Nations, who sware by the Sun, the Fire, and other Creatures, which they accounted for Gods, and sware by them as Deities: Partly from the reverence of the name and Majesty of God; which, perhaps in the beginning being pious and just*, saith Bishop Sanderson, *prælect. 5. sect. 2. de Juram. in process of time by little and little proved superstitious, the lust of swearing chiefly being increased by an evil custom, so that ordinarily they had rather swear by any things they met with, than have recourse to the Father and Maker of all things*, as Philo *speaks. Which thing the Scholiasts of the* Greek *Poets have noted the antient* Greeks (*many of whose Rites and Customs any man may easily observe to have flown from the imitation of the* Hebrews) *to have done also, who write that they were not wont easily to swear by the Gods, but by those things which were ready at hand, or before their eyes, as bread, fire, water, a bird, Scepter, or some thing like.* Though it is to be observed that *Aristophanes* bringeth in *Bacchus* swearing by *Jupiter the Saviour*, as if it were the familiar Oath among the *Athenians*: yet *Socrates* counted the best Moralist among the *Athenians*, is said to have sworn by a Dog and a Goose, because he thought it not fit for

Lect. 6.

good

Lect. 6. good men to appeal ever and anon to the Gods as witnesses of their fooleries; *Pythagoras* is said to have sworn by the quaternion, *Zeno Citiensis* by the Caper bush, many by the Cabbage, as *Athenæus* l. 9. *Dipnosoph. Pliny* l. 2. *hist. nat.* c. 7. tells of *certain Nations that accounted beasts, and some filthy things for Gods: yea, and many other matters more shamefull to be spoken: swearing by stinking meats, by Garlick and such like. Socrates* l. 3. *hist. Eccl.* c. 19. accuseth *Libanius* the Sophister, *as not ashamed most often to swear by impure Gods, unjust, given to drunkennesse*, Hercules, Bacchus, Æsculapius, *whose loves of men and women are noted.* In the *Roman* Empire it was usual to swear by the *Genius* of their Emperour, by any thing counted dear. So *that what seems at first to have risen out of a certain reverence of the Deity turned at last to its greatest irreverence and contempt: as for the most part may be discerned, that by the Devil's craft, and the just judgement of God punishing sins with sins, piety after it hath begun to degenerate into superstition it ends at last in open impiety. For after that out of superstition men began to swear by Creatures, the evil custom grew at last to that licentiousnesse, that while they forbare the name of God, men neither set bounds to themselves of swearing, nor were awed with any fear of swearing. He that thinks the Scepter not to be Gods, as the Poet speaks, thinks he may do otherwise when he swears by the Scepter, than if he had sworn by the Gods. Pliny* saith, l. 2. *nat. hist.* c. 7. *men were so godless, that in the very Capitol they used deceit, and forswore themselves even by* Jupiter, *though ready to shoot his Thunderbolts.* Among the *Manichees*, *Augustin tom.* 6. l. 19. c. 22. *contra Faustum* notes it as their evil, *that they were wont to swear often without scruple of mind. And without doubt since this custom of swearing by Creatures prevailed, for the most part the reverence of an Oath was lessened among the* Jews, *as is most apparently manifest from Christ's words*, Matth. 5. 33, 34, 35, 36, 37. *Matth.* 23. 16, 17, 18, 19, 20, 21, 22. And what frequency of swearing, and perjuries the swearing by Lady, Mass, the Rood, Cross, Crucifix, deceased Saints, Reliques of Saints hath brought into the Christian World, I wish it were not too manifest among not onely the *Italians*, and *Spaniards*, and *French*, but also among *Dutch*, and *English*, and other people, who are termed Protestants. For these, and the like reasons many late, and elder Divines condemn all swearing by Creatures, as *Hierom. Comment. in Matth.* 5. *Augustin Epist.*

154.

194. *ad Publicolam, tom.* 6. *l.* 19. *Contra Faustum Manichæum* c. 22. with more cited in the *Canon Law, dist.* 22. *maxime*, q. 1. *Canone Cleopatram.* William Thorp in his Examination before *Thomas Arundel*, Archbishop of *Canterbury*, in the reign of King *Henry* the fourth, in the year 1407. (as Mr. Fox in his book of *Acts and Monuments* relates) held it unlawfull to swear by a book being a Creature, and alleged *Chrysostom* for it. In the agreement at *Passaw* one of the Articles was, *that it should be at liberty for men to swear either by God or the Saints, or by God and the Gospels*, as *Petrus Suavis in his history of the Trent Council*, l. 4. at the end relates. And generally Protestant Divines and Preachers write, and inveigh against the using any other form of swearing than by the living God.

Lect. 6.

§. 5. *Allegations for some forms of swearing by Creatures.*

Nevertheless, for the lawfulness of some forms of swearing, wherein God is not named, are produced, 1. our Saviours words, *Matth.* 23. 20, 21, 22. For by those words it seems plain, that our Saviour counts it all one to swear by the Heaven, and the Temple, as to swear by God. And although *David Pareus* in his *Comment.* on *Matth.* 23. 20. excuse *Calvin* on that place writing, that *it is lawfull to swear by the Temple and Heaven, as not to be taken formally, as if Oaths by Creatures were approved; but finally, that it is lawfull to keep such Oaths, if in other respects they be made of things lawfull*: yet Andreas Riverus, *Comm. in Exod.* 20. *præc.* 3. *qu.* 3. doth allege *Calvin* as denying, than Christ *reprehended those forms of swearing as vitious, but in his harmony on* Matth. 5. *conceives Christs reasons to the contrary, but because the* Jews *made light accounts of them, he determins they were made by God, and did bind, and it was Perjury and Prophaneness to break them; nor doth he think it Idolatry, unless the power of Judging or Authority of proving Testimony were given them thereby instead of God, or as his Substitutes, that when men swear by the Temple, and Heaven looking up to God, and using them onely as signs of his glory, the name of the Creature Metonymically is used for Gods name without any religious honour given to the Creature.* The like is *Piscators* opinion on *Matth.* 23. *observ.* 11. But I think with *Rivet*, that such a *Metonymy* is not rightly conceived, sith no where is *the Earth* put for God, though *Heaven* be, as it is *Dan.* 4. 26. How the words of Christ may be understood not to countenance swearing by Creatures, as giving Divine honour to them, nor yet to condemn those forms, hath been in part showed before, *lect.* 4.

Lect. 6.

9. 6. by reducing them to the first form of swearing, which is by a Collation of one thing certain by Divine power with another thing averred, or as *Diodate on* Matth. 5. 34. [*by Heaven*] *by way of assertion, as in saying, as sure as there is a Heaven, as sure as there is light in Heaven, or by way of execration, as let Heaven blast me, the Earth abyss me, if it be not so,* v. 36. *by thy head*] *affirming any thing, and ingaging thy head upon it, or by saying as true as my head is dear to me.* Or, as *Hugo Grotius,* l. 2. c. 13. §. 11. *de Jure belli ac pacis conceives, it was the old custom to swear, other things, or persons being named than God, either because they wished those things to be hurtfull to themselves, as the Sun, Earth, Heaven, Prince, or because they required to be punished in those things, as in their Head, Children, Countrey, or Prince,* and so they are reduced to the forms of swearing by execration, or oppignoration. Where he also tells us, *that* Porphyry, *and the Scholiast on* Aristophanes *delivers it as constituted by* Rhadamanthus, *a most just King, that men should not swear easily by the Gods, but by other things present, as by the Scepter,* and saith, *that Christ would not, as some think, that the Oaths* Matth. 5. 34, 35, 36. *should be less lawfull than those which are by the name of God expressed: but sith the* Hebrews *less regarded them, out of an opinion not unlike to his, who said, he takes not the Scepter to be Gods, he shews that these also were true Oaths. For* Ulpian *l. qui per D. de Jurejur. said best: He that sweareth by his safety seems to swear by God, for he swears out of respect to a Divine power. So Christ shews him who swears by the Temple to swear by God, who is President of the Temple, and he that swears by Heaven swears by him that dwelleth in Heaven. But the* Hebrew *Masters of those times did think that men were not bound by Oaths made by Creatures, unless a punishment were added, as if the thing by which the Oath was were Consecrated to God. For this is the Oath of* Corban, *or by the gift, of which not onely in* Matth. 23. 21. *but in the Laws also of the* Tyrians *there was mention, as we learn from* Josephus *his Dispute against* Appion: *and thence I think the* Greeks *termed the people of the East,* Carbans, *which word is in* Æschylus *and* Euripides. *Therefore Christ in that place meets with this errour.*

2. For forms of swearing by Creatures is alleged that *Joseph* sware *by the life of Pharaoh,* Gen. 42. 15, 16. which he would not have done if it had been sin; and *Tertull. Apologet. adv. Gentes,*

tes, c. 32. saith, *the old Christians were wont to swear by the safety of the Emperour*, and *Vegetius*, that *the Christian Souldiers did swear not onely by God, but also by the Majesty of the Emperour, which was to be loved, and honoured of mankind next God.* Elisha is said to have sworn by *the life of* Elijah, 2 *Kings* 2. 4. Paul *by the rejoycing he had in Christ Jesus*, 1 Cor. 15. 31. and chargeth *Timothy before God, and the Lord Jesus Christ, and the elect Angels*, which shew that there may be a lawfull swearing even by Creatures. *Lect.* 6.

By reason of these things urged on both sides Divines answer differently. *Hierom* on *Matth.* 5. 34, 35. *Augustin* in the places forecited seem to condemn it altogether. *Lombard.* 3. *sentent. distinct.* 39. *D.* determins, that *God forbad swearing by the Creature to the weak* Jews: *but to the Saints, who onely did Worship the Creatour in the Creature, he did not forbid it, as for Example*, Joseph. *Christ so forbad to swear by Creatures, that we think any Divine thing to be in them, or that men are not tied to the thing promised in that Oath which is by the Creature. Aqu.* 2. 2. q. 89. *art.* 6. determins, that *swearing by simple contestation may be onely by God principally, but secundarily by Creatures, as the Divine verity shines in them as by the Gospels: and likewise in swearing with execration. Navarrus* in his *Manual*, that *they sin mortally that swear by Creatures, without secret, or express respect to God, as if they were infallible witnesses of our speech, because they then give to them Gods honour: but it is otherwise if they make them not infallible Witnesses, and refer to God either with an actual, or habitudinal reference.* And commonly the *Romanists* hold, that it is lawfull to swear by Creatures as the Divine perfection shines in them, for that they say is to swear by God. Yet it is not agreed by what Creatures men may swear in that sort. Pope *Nicolas* the first in his *answer to the questions of the* Bulgarians, *c.* 7. restrains it to those Creatures which are deputed for Divine acts. Other *Romanists* extend it to all Creatures whatsoever.

Protestant Divines allow using Creatures in Oaths that are expressed by forms of oppignoration, or execration, and thereto reduce those expressions, which are 1 *Cor.* 15. 31. *Gen.* 42. 15, 16. though some make it an earnest asseveration, or obtestation, others a prayer, or wish for *Pharoahs* life. In other forms some allow it, as *Calvin, Viret, Piscator*, some condemn them, as *Zanchius, Perkins, Pareus, Rivetus.*

Sect. 6.

§. 6. Some propositions about swearing by Creatures.

For resolution of this doubt, I say. 1. Those forms of swearing by pawning of Creatures, or Imprecation, wherein a Creature is named, are confessed to be lawfull in respect of the form, For the Apostle useth that form of execration, 2 Cor. 1. 23. when he calls *God to Record against his Soul*, and the form of oppignoration, when he saith, *By your, or our rejoycing I have in Christ Jesus*, 1 Cor. 15. 31. And the reason is, because God is in these expressions plainly appealed to as Witness, Judge, Helper, and Avenger, and so they are by God. This is to be understood of such Creatures as are of use, and may be dear to us, and we have interest in.

2. In those forms of swearing which are by alleging another thing as certain by Gods providence to confirm the truth of that we speak Creatures may be used, whether sacred, or not. As when *Elisha* sware, 2 *Kings* 2. 4. *As the Lord liveth, and as thy Soul liveth.* And to this form the Oath, *Gen.* 42. 15, 16. by *Pharaohs* life seems as I said before to be reduced. And this, to swear, as I live, and those forms, by this hand, head, light, bread, &c. if reduced to this sort of Oaths may be lawfull. Because though God be not named, yet there is an implicit address to, or agnition of God, and so the Oath not by the Creatures, but God, if it be true, which I determined, *Sect.* 3. *sect.* 6. which me thinks Christ determins, *Matth.* 5. when he refers swearing by any of those things there named to God, *v.* 34, 35. and *Matth.* 23. 21, 22.

3. The swearing as the *Pharisees* did, declared *Matth.* 23. 18. by putting a difference between some Oaths as binding, some not, out of covetousness, as it is conceived, that the people might be ingaged in offerings, and gifts the more largely, and thinking that they might play with some Oaths, such as those, *Matth.* 5. 34, 35. 36. was Superstitious, Profane, Impious, and Erroneous. Our Saviour determins that they were to swear vainly, or falsly by the Creatures no more than by God, they having all reference to God, and so were guilty of profane swearing in vain Oaths, and of Perjury in false Oaths by the Creatures.

4. The swearing by any Creature by simple contestation, or calling it to Witness, or appeal to it as Judge, Helper, or Avenger for deciding of a doubt of things hidden is evil, as being Idolatrous, or giving Divine honour to a Creature. For he that doth so must suppose, 1. That he, whom he appeals

appeals to, is able to know the truth in what he appeals to him for: which considering the doubt, which is the occasion of swearing, and secrecy of it, doth in the nature of the action presume him, or that he thus swear by to be omniscient: else it were vain to appeal to him. Now God onely knoweth all things, especially *the hearts of men*, 2 Kings 8. 39. about the truth of which in promissory Oaths is the controversie. Lect. 6.

2. That he is a Superiour, that is, over all; which is especially true in the promissory Oaths of Kings and Potentates, which have Supremacy in their Dominions: which is certainly Gods Prerogative, *Eph.* 4. 6.

3. That he is powerfull, and can help him that swears truely, and punish him that speaks falsly: which God onely can do universally, and especially in Leagues and Contracts sworn between free, or Sovereign Princes, Powers, and States, who are not liable to be questioned, or punished by any but God.

4. That he is so righteous and true, as that he neither will, nor can pass a false sentence, or an unrighteous Doom in the Decision of the Controversie: Which is not to be presumed of any meer Creature, but of the living God, who is Judge of all the Earth, *Gen.* 18. 25. and therefore to none other is this honour of swearing by Contestation to be given, but the giving it is Idolatrous.

5. Swearing by any Creature which is idolized, or set up solemnly and publiquely to be Worshipped as a God, or Gods Substitute with Divine Worship, by alleging its life, or being as certain by reason of its Excellency, or Potency, which tends to beget an imagination of a Divinity, or special Divine perfection relucent in it? is sinfull, as being Idolatry, or countenancing Idolatry. Thus God condemns the Oath, *Thy God, O Dan, liveth*, Amos 8. 14. And so when, and where the Sun is Worshipped, or any other Creature, it is sinfull, as to pray, or bow down to them, so to swear by them in that form. Because it is to give them Divine honour, contrary to that contempt that God would have powred on them as weak, *perishing things*, dungy Gods, Creatures to be esteemed as servants to us, and to be abhorred when they come in Competition with our Maker, or are named without acknowledgement of dependence, subjection, and subserviency to him, *Jerem.* 10. 10, 11. *Job* 31. 24, 25, 26, 27.

6. Swear-

Lect. 6. 6. Swearing by oppignoration of, or execration on any Creature, which is not, nor should be dear to us, but should be destroyed, or cast away as being an Idol, and usurping Gods honour, is Idolatrous. As to have sworn by pawning the brazen Serpent, when it was made an Idol, had been to shew our Whorish love to that, which, being Idolized, we should with abhorrency have rejected, as *Hezekiah* did 2 *Kings* 18. 4. God would not be called *Baali*, but *Ishi*, Hos. 2. 16. when that name was usually applied to an Idol.

All that is objected contrary to these propositions may be answered from that which is said before in the third, fourth, and this Lecture, in which those expressions are expounded, in which there seems to be swearing by a Creature, and it is shewed how they refer to God without diminution of his honour. But it is necessary that people be admonished that they repent of, and relinquish utterly all those, whether Paganish, or Popish Oaths, which yet remain among us, as namely by the Mass, Rood, Crucifix, Cross, Lady, Reliques of Saints, Apostles, Angels, Martyrs, fire as Gods Angel, and many more, which are too much in use, especially among ignorant people, who have much of the dregs of Heathenish, and Popish superstition, yet cleaving to them, for want either of profitable preaching, or religious education. Surely those that love God, and our Lord Jesus Christ, the Son of the living God, should be very tender of their names, as in prayer, so in swearing, and should utterly abandon out of their mouths all such swearing as well as prayers, whereby any other God besides the Father, and any other Lord, or Mediatour is avouched, besides the Lord Jesus, contrary to 1 *Cor.* 8. 5, 6, 7. *Ephes.* 4. 5, 6. 1 *Tim.* 2. 5. nor do I think it unnecessary scruple to decline the use of such forms as have come from swearing by any thing Worshipped, either by Pagan, or Popish Idolatry, now abridged, as *Marry*, that is, by the Virgin *Mary*, *Mehercle*, *Edepol*, *Mecastor*, (of the superstition concerning which may be seen *Gell. noct. Attic.* l. 11. c. 6.) and such like, either in common speech, or Scholastick exercise. *Tertullian*, saith *Grotius*, *annot.* on *Matth.* 5. 34. *reprehended the Christians of his time, who either out of ignorance, or ill custom, should say Mehercle, and Medius fidius: which also Hierom did after him.* Yea, *Tertullian* in his *book of Idolatry* censures it so deeply as to say, *what is thy swearing,*

if

if by those whom thou hast renounced, but a prevaricating of the Faith with Idolatry? For who doth not honour those by whom he swears? On which place also it is noted by *Laurentius de la Barre*, that *the Ecclesiastick Canon forbids swearing by Idols, because an Oath is a religious affirmation, a faithfull Testimony, Sacrament of Faith, Seal of the Conscience*, and refers *to the eleventh and twelfth Chapters* of the *fifth book of* Clements *Constitutions.* *Lect. 7.*

Exod. 20. 7. Deut. 5. 11.

Thou shalt not take the name of the Lord thy God in vain, &c.

Lect. 7. *Swearing is for ending Controversies, both in Promissory, and Assertory Oaths, and may be lawfully used by Christians in Cases of necessity.*

HAving considered the Nature, Forms, and Rites of swearing, the next thing to be considered is the End, and Use thereof, which is of much importance for the determination of its lawfulness. Concerning which it is commonly urged, which the Apostle saith, *Heb. 6. 16. that an Oath for confirmation is to men an end of all strife*, which words are conceived to note the end of an Oath, to be the determination of a Controversy, or Contradiction. But it is to be observed. 1. That the word τέλος doth not so fitly note the end of intention, as the end of event, that it is the conclusion, or making an end of the strife. 2. That the end of Controversie is not the sole end of Oaths. The Apostle expresseth the end more generally when he saith, it is εἰς βεβαίωσιν *for Confirmation*, unless we conceive that εἰς βεβαίωσιν be used by the Apostle, as it is *Levit.* 25. 23. and elsewhere, by the Greek Translators, as answering to לִצְמִתֻת, in the Hebrew, Translated in our English [*for ever*] which is not improbable. However, we find the end of swearing to be more general than the ending

§. 1. *Oaths should end controversies, though not alwayes.*

Lect. 7. ending of Controversies, sith there have been Oaths rightly used where there hath been no strife, or controversie, as, when *Jonathan* and *David* sware each to other, 1 *Sam.* 20. 16, 17, 42. when God sware to *Abraham*, Gen. 22. 16, 17. *Heb.* 6. 14, 17. *David* to God, *Psal.* 119. 106. and 132. 2, 3. So that the Apostle, *Heb.* 6. 16. doth not assign the adæquate end of intention in taking an Oath: but the issue by agreement among men, they use to end Controversies, or Contradictions by it, according to that which is *Deut.* 19. 5. *one Witness shall not rise up against a man for any iniquity, or for any sin, in any sin that he sinneth: at the mouth of two Witnesses, or at the mouth of three Witnesses shall the matter be established*; the like whereto is *Deut.* 17. 6. *Numb.* 35. 30. to which our Lord Christ refers, when he saith, *Matth.* 18. 16. *But if he will not hear thee, then take with thee one or two more, that in the mouth of two or three Witnesses, every word may be established*, and *John* 8. 17. *It is also written in your Law that the Testimony of two men is true*, and *Paul*, 2 *Cor.* 13. 1. *This is the third time I am coming to you: in the mouth of two or three Witnesses shall every word be established*, if the opinion of Bishop *Andrews* in his *Divinity determination at* Cambridge, *July* 1591. concerning my exacted Oath among his smaller works in *Latin*, that πέρας, *Heb.* 6. 16. *doth more rather the state than the issue of the Controversie*, be not to be followed. However, if it note the Issue, or Conclusion of the Controversie, yet it is not so to be understood, as if after any man hath sworn the Controversie must be ended by his Oath. For how can this be, in case men swear directly Contradictory one to another, or agree not in their Testimony, as it hath fallen out many times? *many have false Witness against Christ, but their Witness agreed not together*, Mark. 14. 56. Besides, as Bishop *Andrews* in the forecited *determination* argues, if an Oath should presently end strife, this should take away all Inquisition into mens Oaths, though they be suspected of Perjury, which, if granted, would tend to the impunity of Perjured persons. God himself having appointed the Woman suspected of Adultery to be charged by Oath, *Numb.* 5. 19. and yet by the effect of the bitter water to be tried whether she were guilty or not, *vers.* 24. And *Deut.* 19. after the Lord had *vers.* 15. determined, that *in the mouth of two*

or

or three Witnesses the matter should be established, yet p. 18. the Judges were to make diligent Inquisition into the Oaths of the Witnesses, whether they were false, or true, and to punish him who was a false Witness with the punishment he intended to him against whom he swore. Which if it were not still to be done, men that are of prostituted consciences, Knights of the Post, who hire themselves to swear for gain, would overthrow righteous judgement, and so destroy States and Commonwealths. Therefore when it is said, that *an Oath for Confirmation, or for ever, is an end, or bound to men of all strife, or contradiction*, it must be understood of what is usual, not what ought to be, except the Testimony be apparently true; or it must be understood of what the Nature, or Original use of an Oath requires, not what the use of it as men are, and do often practise, binds us to. But if due caution be used in examining upon Oath, and the person sworn be of good credit, strifes should be ended by Oaths: and that determination of *Ames medul. Theol.* l. 2. c. 10. §. 35. is not amiss, *that the Oath of a Christian man taken concerning his innocency, which cannot be reproved by certain Arguments, ought to put an end to Controversies pertaining to it*, Exod. 22. 11. Heb. 6. 16. *Lect. 7.*

§. 2. *The general end of swearing is the Confirmation of the saying of him that swears.*

But it will be then demanded, what is the general end of swearing? To which I answer, The end of an Oath the Apostle, *Heb.* 6. 16. makes to be εἰς βεβαίωσιν *for Confirmation*, to wit, of the truth of that we speak, and the Faith of those to whom, and for whom we swear. To which purpose is that of *Aquinas*, 2a. 2æ. q. 98. art. 1. *the end of swearing is the Confirmation of his saying that swears.* The reason hereof is, 1. Because of the doubtfulness of mens Faith and Truth, it being found by too much experience, that *Jerem.* 17. 9. *the heart of man is deceitfull above all things, and desperately wicked, who can know it?* and as the Apostle saith, *Rom.* 3. 4. *Let God be true, and every man a liar*, Psam 62. 9. Whence come suspicions in men, and backwardness to believe what others say, which hath occasioned swearing to take away doubts of mens truth. 2. Swearing by God ariseth out of the apprehension that is in all Nations of the being of God, as is noted by *Tully Tuscul. quæst.* lib. 1. and the acknowledgement that he hath ἔκδικον ὄμμα, *a re-*

Lect. 7. *venging eye, beholding, and hearing all things, and one that will not hold him guiltleſs who takes his name in vain.* And therefore it is preſumed that no ſpirit would be ſo audacious as to appeal to God, and yet deal falſly, ſith ſuch doing is a plain provocation, and invitation of Gods vengeance upon him that deals ſo falſly. Wherefore *all Nations*, as *Tully* ſaith, *lib.* 3. *de officiis, have taken ſwearing for the moſt firm bond of mens Faith. Plato* lib. 12. *de legibus counts them as Monſters, as the* Titanes, *or* Giants *warring with God, who were perjured.* In *Xenophom, lib.* 2. of the *expedition of* Cyrus *the younger*, it is ſaid, *who ſo is privy to his ſwearing, and neglects it, I ſhall never think him happy. For a War brought by God againſt him, I know not how any can avoid by ſpeedy flight, or in what darkneſs to hide himſelf, or with what Garriſon to defend himſelf. For all things are every where liable to Gods reach, and with equal power are every where governed by him.* And therefore *Ageſilaus* the *Spartan* counted *Tiſſaphernes* the *Perſian* as good as *Conquered, when he had forſworn himſelf*, *Ælian. Vari. hiſt.* l. 14. c. 2. And *Ariſtotle*, c. 18. of his *Rhetorick to Alexander*, ſaith, *that no man would forſwear himſelf who feareth the puniſhment of the Gods, knowing that though he may hide from men, he cannot from them.*

Nevertheleſs, this bond of an Oath, and ſenſe of Divine vengeance hath not been ſo inviolable, but that it hath been violated. The *Greeks* and *Carthaginians* were ſo odious for their perjuries, that *Greek* and *Punick* Faith were in Proverbs taken for perfidiouſneſs. *Lyſander* the *Lacedæmonian* ſaid, *Great men play with Oaths, as Boys with Dice.* But then ſuch were taken as Enemies to mankind, being Violators of the Law of Nature, and Enemies to God; and therefore certainly accurſed. *Covenant-breakers* are reckoned *Rom.* 1. 28, 30, 31, 32. among thoſe whom *God gives over to a Reprobate mind to do things not convenient, who did, or might know that they who did commit ſuch things were worthy of death.* But it may be asked, if an Oath be for confirming of Faith, why doth God ſwear? Is he lyable to ſuſpition of deceiving? To which I anſwer, It is confeſſed that *God cannot lie*, Tit. 1. 2. Yet Satan, as he did inſtill into the heart of *Eve* an evil jealouſie of God, *Geneſ.* 3. 4, 5. ſo he doth ſtill endeavour to make men diſtruſtfull of God, and therefore God

God to shew the immutability of his counsel confirms his promise by Oath, Heb. 6. 17. *Lect. 7.*

Confirming, or assuring being the general end of an Oath, the special ends, and sorts of Oaths are according to the various matters to be assured, and wayes of confirming the verity of the saying of him that swears. Sometimes the things that are to be confirmed, are onely private things between particular persons, as in the Covenant between *Jonathan* and *David*, between *Abraham* and his servant, *Jacob* and *Joseph*; sometimes publique, which concern not onely some particular men, but States and Commonwealths, as the League between *Abraham* and *Abimelech*, the Princes of *Israel*, and the Inhabitants of *Gibeon*. Both are either Assertory, wherein the person swearing doth testifie concerning something past or present; or Promissory, whereby the person swearing doth give assurance of doing, or not doing something to come, to which sort Comminatory Oaths, or threatning Oaths are usually referred. The terms perhaps are not every way apposite, yet they being usual are to be retained. Promissory Oaths, and so threatning Oaths are sometimes absolute, as *Gods Oath of raising up Christ to sit on* Davids *Throne*, *Acts* 2. 30. sometimes conditional, as to continue the Priesthood in *Elies* house, 1 *Sam.* 2. 30. and thus are Gods Predictions to be interpreted, *Jerem.* 18. 7, 8, 9, 10. Both Promissory and Assertory Oaths may be in judgement, or extrajudicial: In judgement as when in causes to be tried men are sworn to deal justly, and to speak truth in open Courts, or in Commissions to be executed: Out of judgement in many cases, wherein there is necessity of assuring publique, or private persons of things done, or to be done, as in the Oath of Allegiance, Supremacy, &c. And of these sorts some are voluntary, which men take of their own accord, as in *Jonathans to David*, or imposed, and exacted, as 1 *Kings* 18. 10. Ahab *took an Oath of the Kingdoms and Nations that they found not* Elijah. Oaths are sometimes simple without any certain Rites, or Form of Words, sometimes solemn and Corporal expres'd in certain prescribed Words with accustomed Rites. Which are conceived necessary, because often it comes to pass through ignorance, superstition, or other reason, that some think they have not sworn, unless they swear solemn-

§. 3. *Some divisions of Oaths are recited.*

Lect. 7.

ly; as ſome there be that think they ſwear not unleſs it be on a book, ſome of late have conceived they ſwear not in calling God to Witneſs the truth of their words and intentions, unleſs they uſe the term [by God] or the like: ſome conceive ſome Oaths to bind them, and not other Oaths, as the Phariſees, *Matth.* 23. 16, 18. Some conceive an Oath binds, if by ſuch a Saint, after ſuch a Rite, not otherwiſe. *The* Iriſh, *at every third word are wont to interpoſe an Oath, to wit, by the Trinity, God, the Saints, Patrick, Brigit, Baptiſm, Faith, Temple, the Godfathers hand, thy hand. But to keep their Oath, theſe things are of greateſt moment.* 1. *That he ſwear at the Altar the book toucht, open, and put upon the head.* 2. *That they take to Witneſs ſome Saint, whoſe crooked ſtaff, or bell, he toucheth, or kiſſeth.* 3. *That he ſwear by the hand of his Earl, or Lord, or other Potent man, as Camden* towards the end of his *Hibernia* out of *Giraldus* relateth. VVhich errours, and vanity, may be a juſt reaſon of requiring a ſolemn Oath in certain Words and Rites. More diviſions there are of ſwearing, but it is ſufficient for my purpoſe to premiſe theſe.

§. 4. The queſtion is ſtated about the lawfulneſs of ſome ſwearing with difference of opinions about it.

I proceed now to ſhew the dueties concerning Oaths required in this third Commandment, and the ſins oppoſite thereto. Both which I conceive may be fitly reduced to three heads. 1. Thoſe that concern the taking of Oaths. 2. Thoſe which concern the impoſing, or urging Oaths. 3. Thoſe which concern the keeping of them. About taking Oaths there are two queſtions to be reſolved. 1. Whether Chriſtians may ſwear at all? 2. In what manner they muſt ſwear?

That I may the more fully handle the firſt, it is be to obſerved, that although by conſent of Nations in former ages, ſwearing was uſed as the moſt firm bond of mens Faith, yet the frequency, and abuſe of ſwearing made many, either altogether, or in ſome caſes to diſallow any ſwearing at all, or if it were allowed, yet not by the Deity. *Pythagoras*, by *Diogenes Laertius* in his life, is ſaid *to have forbidden ſwearing by the Gods*, though after he determins, *that it is juſt that Oaths ſhould have their force, and that* Jupiter *is therefore termed ſwearer. The Phrygians*, ſaith *Alexander ab Alexandro, lib.* 5. *Genial. dierum*, cap. 10. *not onely are urged*

with

with no Oath, but they neither compel others to ſwear. And *Socrates*, lib. 4. *Eccl. hiſtor.* cap. 23. obſerves, *that the* Phrygian *Nation were more temperate than other Nations: for they did very ſeldom ſwear. Stobæus, ſerm.* 112. cites *Chœrilus in Perſeide*, ſaying, *Neither an unjuſt, nor juſt Oath is to be uſed. Joſephus* in his ſecond *book of the* Jewiſh *War*, chap. 7. ſaith, *That the Sect of the* Eſſens *accounted every thing they ſaid more firm than an Oath, and they avoided ſwearing as worſe than perjury. For they thought him condemned of lying, who was not believed without appealing to God.* Yet he ſaith, in the ſame place, that *afore each man begins to diet together, he ſwears by great execrations that he will firſt Worſhip God, then alſo keep Juſtice towards men*, which is an Argument that they did not deny any ſwearing, but either in Contracts with men, or matters of Negotiation, or to ſwear by God, eſpecially in common ſpeech. *Pliny, Epiſt.* l. 10. to *Trajan* writes, *That the Chriſtians did bind themſelves by Oath not to any wickedneſs, but that they would not commit Theft, Robberies, Adulteries, nor deceive their Faith, nor being required deny what was left with them. Auguſtin. tom.* 6. *diſp.* 2ª. againſt *Fortunatus* the *Manichee*, ſeems to *charge them with ſwearing by the Paraclet, though they denied ſwearing. Sixtus Senenſis Bibliotheca ſancta*, lib. 6. *annot.* 26. produceth ſundry places of *Origen, Athanaſius, Epiphanius, Hilary, Ambroſe, Chromatius, Theophylact, Oecumenius, Euthymius*, as if they did condemn all ſwearing in Chriſtians: yet *Athanaſius* in his *Apology to Conſtantius* the Emperour, ſwears that he never urged his brother againſt him, and preſſeth his adverſaries to purge themſelves by Oath. *Euſebius* relates in the ſixth book of his *Eccleſiaſtical hiſtory*, chap. 4. that *Baſilides when he was required of his fellow Souldiers for a certain cauſe to ſwear, affirmed that it was not lawfull for him to ſwear, for he was a Chriſtian, which he did expreſly profeſs.* But Chriſtians did as *Tertullian* ſaith, *Apologet. adverſ. Gentes*, cap. 32. *ſwear by the ſafety of the Prince. Hierom* in his *Comment.* on *Matth.* 5. ſaith, *That it was yielded to the* Jews *as to little ones, that as they did ſacrifize to God, leſt they ſhould ſacrifize to Devils, ſo they ſhould be permitted to ſwear by God, not becauſe they might do this rightly, but becauſe it would be better to give it to God than the Devil. But the* Lect. 7.

truth

Lect.7. *truth of the Gospel receives not an Oath, sith all faithfull speech is for an Oath.* And yet in the next words before he saith, *Finally, consider that here our Saviour hath not forbidden to swear by God: but by the Heaven and the Earth, and by* Hierusalem, *and by thy Head. Hilarius* had written to *Augustin* about some sayings of some Christians of *Syracuse*, who held that *a Christian is not to swear at all, Epist.* 88. to whom *Augustin* replies, *Ep.* 89. *qu.* 5. *de non jurando in these words, Beware of swearing as much as thou canst. For it is better the truth be not sworn, sith by custom of swearing often men fall into perjury, and alwayes come near it. But they, so far as I have heard some of them, are altogether ignorant what it is to swear: For they think they do not swear when they have in their mouth, God knows: and God is Witness: and I call God for Witness upon my Soul: because it is not said* [*by God:*] *and because such things are found in the Apostle* Paul. *But even there that against them is found, which they confess not to be swearing, where the Apostle saith, I daily die, by your glorie brethren, which I have in Christ Jesus our Lord,* 1 Cor. 15. 31. *For in the* Greek *Copies it is altogether found this to be swearing, lest any one in the* Latin *Tongue so understand this saying, By your glorie: as it is said, by my coming again to you: and many the like, where it is said by any thing, and it is not swearing. But not therefore, because in his Letters the Apostle, a man most firm in truth sware, swearing ought to be to us a sport. For it is much more safe, as I said, as much as pertains to us, that we never swear: that in our mouth there be, It is it is, not, not, as the Lord admonisheth. Not because it is a sin to swear truth: but because it is a most grievous sin to swear falsly: unto which he sooner falls, who is accustomed to swear. Chrysostom hom.* 15. on *Genesis* in the *moral*, giving rules about speech, saith, *let a man altogether avoid Oaths, hearing the Negation of Christ, saying, that it was said of, or to them of old, or former times, thou shalt not forswear: but I say to you not to swear at all, say not then to me that I swear in a just, or right thing. For it is not lawfull to sweare, neither in a just, or right thing, nor in a wrong, or unjust thing. Let us therefore keep our mouth clean from Oaths.* Somewhat like passages are alleged out of the seventeenth *Homily* on *Mat-*

Matthew, Homily 9th. on *the Acts of the Apoſtles*, Hom. 19. *ad populum Antioch.* Hom. *in* Pſalm 5. lib. 1. *de compunct. one cordis*, &c. which *Bellarmin*, lib. 2. *de verbo Dei*, cap. *ult. propè finem, excuſeth as not being his Dogmatical reſolutions, but as Hyperbolical amplifications, by reaſon of the great addictedneſs to ſwearing, which was in the people to whom he preached, as appears by Homily* 9th. *on the Acts of the Apoſtles, his homilies to the people of Antioch*, and other wayes. Both *Chryſoſtom*, and the other Fathers cited by him are excuſed by *Sixtus Senenſis Biblioth. ſanctæ*, lib. 6. *annot.* 26. and Doctor *Coſins Apologie for Eccleſ. proceedings*, part. 3. cap. 12. *gathers from the reaſons of their ſpeeches, that they meant onely to condemn vain cuſtomary ſwearing:* or about ſmall ſecular matters. The Papiſts have laid it to the charge of the *Waldenſes*, and *Wicleff*, as if they denided all Oaths. But it appears by divers of *Wicleffs* books, as his *Latin expoſition on the ſecond comm.* and others cited by *Birkbek, cent.* 14. and other Authors, they did allow ſwearing, though not after the Popiſh manner. *William Thorp* in his *Examination* ſet down in Mr. *Fox* his book of *Acts and Monuments* under King *Henry the fourth, held it unlawfull to ſwear by a book being a Creature, but not unlawfull to ſwear at all.* Eraſmus of Roterodam *in his anſwer to the Archbiſhop of* Sevil, *ſaith, It is manifeſt that the Lord hath openly, ſimply, and evidently forbidden all ſwearing, whereas all places are at this day full of ſwearers and forſwearers. And yet* Paul *ſomewhere ſeems to ſwear according to* Auguſtin. *Therefore the antients laboured how an Oath might be excuſed among Chriſtians. Eraſmus* himſelf in his *annot. on* 1 Cor. 15. and on *Matth.* 5. *judgeth it not agreeing to an ingenuous Chriſtian perhaps to ſwear in ſuch buſineſſes as are for Lands and Monies, and that it is out of controverſie that Chriſt preſcribes there the form of perfect Chriſtianiſm, and among perfect Chriſtians. Where none diſtruſts another, nor layes ſnares for another an Oath is ſuperfluous, eſpecially in thoſe lighter things, which good men count better to loſe than to be brought to ſwear. But Chriſt doth not meddle with the right of Courts: neither is an Oath, or War condemned by me: but whereſoever War or an Oath is, there is evil, our Lord, ſaying, what is more than theſe cometh of evil.* It is charged on the termed Anabaptiſts of

Left. 7.

Ger-

Lect. 7. *Germany*, that they teach it unlawfull for Chriſtians to be Magiſtrates, to bear Arms, or to ſwear at all. Sundry perſons in *England* lately have denied the lawfulneſs of ſwearing, or of a promiſſory Oath, as may be ſeen in my *ſupplement to the ſerious conſideration of the Oath of the Kings ſupremacy.*

Auguſtin on the contrary on *Matth.* 5. lib. 1. *in ſerm. Domini in monte* holds *Oaths not ſimply good, or to be deſired, yet not ſimply evil, but then good when neceſſary.* This *Lumbard* hath tranſlated from thence into the *third book of the Sentences, diſtinct.* 39. §. c. *Aqu.* 2a. 2æ. q. 89. *art.* 2. reſolves in like manner: and generally the Romaniſts, *Catechiſm Trident. in* 2. *præc. Decal.* cap. 4. The Proteſtant Churches allow ſome ſwearing, *Helvet. conf.* cap. 30. *& brev. art.* 16. *Baſil. art.* 11. *Auguſt. art.* 16. the 39th Article of the Church of *England*, ſaith, *As we confeſs that vain, and raſh ſwearing is forbidden Chriſtian men by our Lord Jeſus Chriſt*, and James *his Apoſtle: ſo we judge that Chriſtian religion doth not prohibit, but that a man may ſwear when the Magiſtrate requireth in a cauſe of Faith and Charity, ſo it be done according to the Prophets teaching, in Juſtice, Judgement and Truth.* Accordingly I aſſert ſome ſwearing lawfull, and prove it by thoſe Arguments, which in my *ſerious conſideration of the Oath of the Kings ſupremacy* were framed, and ſince vindicated in my *ſupplement.*

§. 5. *The firſt argument for the lawfulneſs of ſome ſwearing from the morality of it.*

The firſt Argument framed by me as in my *ſupplement* it is completed, is thus. That action belonging to manners common to all Nations, and not proper to the *Jews*, about the uſe of which God giveth ſome directions is not wholly evil. The reaſon, and proof of this propoſition is from the certainty of this truth, that what was common to all Nations, not pertaining to Rites about immediate Worſhip, but in uſe among them in all ſorts of buſineſs between man and man, and in matters between God and man, is moral, and ſo not to end with the ſhadows of the Law, eſpecially it being a thing about which God hath made a ſpecial precept in the Decalogue, upon a reaſon common to all people; and of neceſſary uſe to them: which being obſerved, cuts off the evaſion, that *by the ſame Argument it may be proved as well, that the Chriſtians, and believers in Chriſt*

may

may be Circumciſed, offer Incenſe, burnt offerings and ſacrifice. For though God gave directions about theſe things, yet theſe things were things not of common uſe, but appropriate to the Temple, and the *Jewiſh* people, and the Proſelytes, who took on them the obſerving the Law of *Moſes*, not particularly expreſſed in the Decalogue; whereas the command about ſwearing is in the Decalogue, and of a thing of common uſe among all people. Now the aſſumption is, ſwearing is an action belonging to manners, common to all Nations, and not proper to the *Jews*, and about the uſe of it God giveth direction in the third Commandment, *Jerem.* 4. 2. and elſewhere. This propoſition is proved from the ſayings, and relations of Heathens, who ſpeak of Oaths uſed among Nations, who had not the Law, in all ſorts of buſineſs, which by the light of nature they underſtood to be *the firmeſt bond of human ſociety, of moſt moment to bind to fidelity, as Tully* ſaith, *his Anceſtors counted it*, in his third *book of Offices*, about which their conſciences did either excuſe, or accuſe them moſt vehemently, which cannot be ſaid of any action not moral. Therefore ſwearing is not wholly evil, but may be lawfull in ſome caſes. *Lect.* 7.

In anſwer hereto it is ſaid, *that Chriſt came to end the* Jews *Worſhips and Oaths, who is the Oath of God*, and it being replied that ſwearing was not the *Jews* Worſhip any otherwiſe than prayer, praiſe, and confeſſing of God, but common to all Nations, nor a ſhadow, or Ceremony which might typify Chriſt, nor Chriſt any where in Scripture termed Gods Oath, it is rejoyned, *that in the ſame ſenſe and place in which Chriſt is called the Covenant of God, as* Iſa. 55. 5. *he is called the Oath of God; for Gods Covenant is his Oath, which he ſwore,* Luke 1.72,73. *Fiſher* in his *ſupplementum ſublatum*, p. 3.

To which I return this Triplication, that I find in *Samuel Fiſher* his *Antidote*, pag. 6. theſe words, *which ſaid Ceremony of ſwearing, as now uſed and impoſed, with the hand laid on a book with kiſſing, or lifted up, is now ended in Chriſt, the Witneſs, Covenant, or Oath of God.* By which words it ſeems he conceives ſwearing a Ceremony, or the Rites of ſwearing mentioned by him at leaſt. But gives no reaſon why ſwearing by calling God to Witneſs, or in any of the forms be-

Lect. 7.

fore mentioned should be a Ceremony any more than verbal prayer, praise, or Confession of Gods name, nor that lifting up the hand to Heaven should be a Ceremony now ended in Christ, which was used by God himself, *Deut.* 32. 40. and by an Angel long after Christs Ascension, *Revel.* 10. 5. As for that, which he saith, *Christ is the Witness of God*, it is likely he means *Isai* 55. 4. for which is quoted, *vers.* 5. But though Christ be said *to be given for a Witness to the people*, as also *a Leader*, it is not *testimonium the witnessing* (which answers to an Oath, or Covenant) but *testis the Witnesser, or person who doth Witness*, termed *the faithfull, and true Witness*, *Revel.* 3. 14. It is granted, that *Luke* 1. 72, 73. *the holy Covenant of God is termed the Oath which he sware unto* Abraham *our Father.* But it would be ridiculous to expound the words *to remember his holy Covenant*, that is Christ, *to perform the Oath*, that is Christ, by making such a Metonymy as is not usual, nor necessary, but tends to make it nonsence, when there is plain right sense without such a Metonymy to explain it thus, to remember his act of Covenanting, or Promising, and to perform his swearing by doing what he assured in that Oath. It is true, *the promise was made to* Abraham *and his seed, that is Christ*, Gal. 3. 16. But this proves not that by [*Covenant* and *Oath*, Luke 1. 72, 73.] is meant any more Christ than *Abraham.* It is not denied, but that *Isai* 49. 8. when it is said, *I will give thee for a Covenant of the people*, Christ is meant: But then it is as true that by *Covenant* is meant Metonymically a Confirmer, Mediatour, Surety, or Executor of it, not the act of Covenanting, which can onely be equipollent to an Oath, or Swearing. Nor is there any consequence in it, Christ was the Covenant, or Oath of God, therefore after Christs being in the flesh there should be no swearing. For then the Angel had done ill to swear, *Revel.* 10. 5, 6. Christ is *the hope of glory*, Col. 1. 27. doth Christ therefore end all hope? The spirit is *the promise of the Father*, Luke 24. 49. Doth the spirits coming end all promises? *Isai* 49. 6. *It is said, I will also give thee for a light to the Gentiles, that thou mayest be my salvation unto the end of the Earth.* Doth therefore Christs coming in the flesh end all light and salvation? It is said indeed, that *Meats, and drinks, feasts, new Moons, and Sabbath-dayes were shadows of good things*

things to come, and the body of Christ, Col. 2. 18. but that either a Covenant, or Oath of God should be a shadow, or the terming of Christ Gods Oath, or Covenant, should prove all swearing among the *Jews* shadows of Christ, and to end with his being in the flesh, or that the body of Gods Covenant, or Oath, as a shadow of good things to come, was of Christ, is no where said, nor is there any truth, or good sense in such a speech. But saith *Samuel Fisher*, *supplem. sublat. num.* p. 4. *if swearing be a Commandment, and a duty to be continued, as the rest of the Commandments are, then it is to be performed as a duty, and command continually, without any respect to the Magistrate's imposing, or requiring of it; for we are to love God God with our whole heart, &c. without being required by the Magistrate, which is the first Commandment; and we are to love our neighbour as our selves, being the second, in which all the other is included; none of which respect a command from man for the obedience of them.* Lect. 7.

To which I reply, I do not assert that swearing is onely lawfull, when the Magistrate imposeth, or requires it, *Paul* sware in sundry of his Epistles without a Magistrates imposition, and so may we, when it is necessary to assure men of the truth of our speeches in things of importance. Nor do I say, we are bound to swear alwayes when a Magistrate imposeth it on us, there may be unjust Oaths put on us by the Magistrate, and just causes of refusing to swear. But this I say, that swearing is, as other imperate acts of the Members, a moral duty to be practised, as there is occasion, for Gods glory, and our neighbours good, out of the habit, and elicit act of love to them, when we do it. And thus speaking truth, reproving, doing right, and many other moral duties are to be performed as occasion is, sometimes upon, sometimes without the Magistrates command, and so is swearing.

2. My second Argument was, That which is approved by God is lawfull. But some swearing is approved by God, *Psal.* 63. 11. *Every one that sweareth by God shall glory*, therefore some swearing is lawfull. The *major* is of it self manifest, the *minor* the Text evidenceth, sith swearing by God is made part of glorying in God, or of the swearers glory, as the *Greek* hath it ἐπαινεθήσεται, in our common Version, *shall be commended.* To which, I may add, that God speaks thus, *Jerem.* §. 6. *The second Argument for some swearing from Gods approbation.*

Lect. 7. 12. 16. *And it shall come to pass, if they will diligently learn the wayes of my people to swear by my name.* (*The Lord liveth, as they taught my people to swear by* Baal:) *then shall they be built in the midst of my people*: where God accounts it *the way of his people to swear by his name*, and promiseth *the building of them in the midst of his people, who should diligently learn aright to swear by his name.* The Answer hereto is, that *David was in the old Covenant of the Law, but Christ in the new Covenant bids* [*swear*] *not at all*, and *Samuel Fisher in* his *Antidote*, pag. 36. that, *what is*, Isai 45. 23. *To him every knee shall bow, and every Tongue shall swear, is thus expressed*, Rom. 14. 11. *Every Tongue shall confess, which shews that the Antitype now in the times of the Gospel, answering to the Ceremony of swearing, which was the Type of it under the Law, is confessing by yea, or denying by nay, the substance of those shadowy Oaths that were under the Law.*

Whereto I reply, 1. It is not proved that an Oath was appropriated to the old Covenant of the Law, swearing was in *Abrahams* time, and after afore *Moses*, and so far as we have the remains of Antiquity among all Nations almost, especially the most civilized. Nor do Christs words universally in all cases prohibit all swearing, as will be proved in that which follows. 2. To be a Type, or Pattern is not all one with to be a Ceremony, or shadow that must vanish away. *The not muzzling of the mouth of the Oxe that treads out the Corn*, Deut. 25. 4. was a Type in the Apostles construction, 1 *Cor.* 9. 10, 11. Example, or Pattern, that provision should be by people taught for their Teachers, and yet this no Ceremony, or shadow that must vanish away, but a precept in force, it being still a truth, that *a righteous man is to be mercifull to his beast*, Prov. 12. 18. The Suns motion mentioned, *Psalm* 19. 4. is made a Type, Pattern, or Example of the Gospels *going into all the Earth*, and *the words* of the publishers of it, *to the end of the World*, Rom. 10. 18. and yet it is no Ceremony, or vanishing shadow. 3. The Apostles expressing *swearing*, Isai 45. 23. by *Confessing*, Rom. 14. 11. proves not the one to be a Ceremony typifying, or shadowing the other, but rather the terms equipollent, or to the same purpose, and it proves that confessing to God by swearing by his name is now lawfull, and a duty, as it was

in

in the Prophets time, and that it is approved by God now as it was then, sith he so peremptorily assures he will have it accomplished, not onely in *Israel*, but also in *all the ends of the Earth*, Isai 45.22. *Lect. 7.*

§. 7. *The third Argument from the lawfulness of putting some to their Oath.*

The third Argument is, if it were unlawfull to use any Oath, then it were unlawfull to put any Oath on any. But this is not to be said. Ergo. The consequence is manifest, sith we cannot lawfully urge any to that which is of it self sinfull: now that it is lawfull to put an Oath on some persons at some times is manifest by Gods own appointment, *Levit.* 5. 1, 4. *Numb.* 5. 21. his ratifying *Solomons* Petition concerning this thing, 1 *Kings* 8. 31. 2 *Chron.* 6. 22. and the practices of *Abraham* putting an Oath on his servant, *Gen.* 24. 2. 3. of *Jacob* to *Joseph*, Gen. 50. 5. of *Joseph* to the Children of *Israel*, vers. 25. in the Old Testament, of *Pauls* in the New, putting an Oath on the *Thessalonians*, 1 Thes. 5. 27. For so the Greek word ὁρκίζω ὑμᾶς τὸν κύριον, Translated, *I charge you by the Lord*, is, I put an Oath by the Lord on you, or as it is in the Margin, *I adjure you*, or swear you by the Lord, that this Epistle be read to all the holy brethren. To which I add, that *Matth.* 26. 63. when the High Priest, (Christ having not answered before to the accusation of the false Witnesses) spake thus to him, ἐξορκίζω σε κατὰ τοῦ Θεοῦ τοῦ ζῶντος, that is, *I adjure thee*, or *urge thee to swear by the living God, that thou tell us, whether thou be the Christ, the Son of God*, which *Mark.* 14. 62. is, *he asked him*, or *interrogated him*, the phrase in *Matthew* shews it was an interrogation upon Oath, for *I adjure thee by the living God to tell us*, is as much, as if he said, I require thee to tell us, as a person sworn by the living God, for so the words ὁρκίζω ἐξορκίζω, are used in the *Greek* Translation, as *Genes.* 24. 3. καὶ ἐξορκιῶ σε κύριον τὸν θεὸν τοῦ οὐρανοῦ, καὶ τὸν θεὸν τῆς γῆς, that is, *I will make thee to swear by the Lord the God of Heaven, and the God of the Earth*, vers. 37. καὶ ὥρκισέ με ὁ κύριός μου. that is, *and my Master made me swear*, Genes. 50. 5. ὁ πατήρ μου ὥρκισέ με, *my Father made me swear*, vers. 25. καὶ ὥρκισεν Ἰωσὴφ τοὺς υἱοὺς Ἰσραὴλ, *and* Joseph *made the Children of* Israel *swear*, Numb. 5. 19. καὶ ὁρκιεῖ αὐτὴν, *and the Priest shall charge her by an Oath.* And *when* Saul *adjured the people not to eat*, it is said, 1 *Sam.* 14. 38. ὁρκίσας ὥρκισον τὸν

Lect. 7. τὸν λαὸν ὁ πατὴρ ὅς, *thy Father straightly charged the people with an Oath*; whereupon it is said, *vers.* 26. *for the people feared the Oath.* So that it is manifest, that the High-Priest did urge Christ, *Matth.* 26. 63. to answer on Oath. What did Christ? He did not answer before, but then he did, thus, *Thou sayest*, vers. 64. which is as much, as I *am*, as by *Mark.* 14. 62. is manifest: For that expression is as much as yea, as appears by comparing, *Matth.* 26. 25. with *John* 13. 26. and thus also it is manifest, that when Christ answered *Pilate*, asking *whether he were the King of the* Jews? *thou sayest it*, *Mark.* 15. 2. it was an avouching of his being a King, *John* 18. 36, 37. which is termed by *Paul*, 1 *Tim.* 6. 13. *witnessing a good confession. Camerar. his note on* Matth. 26. 63. is *an* Hebrew *phrase*, *I command thee to speak sworn by God.* Demosthenes *in his Oration against* Conon, *said*, ἐξορκίζοντες *binding by Oath. And*, *thou sayest concerning his interrogation*, he *saith him to be Christ*, *as it may be affirmed by his words. Neither is this figure unusual in common* Greek *speech*, and cites passages in *Euripides*, and *Xenophon* to that purpose. Now from hence I gather. 1. That the High-Priest did urge Christ to answer on Oath. 2. That Christ did not check him for so doing. 3. That Christ did not answer before. 4. That being adjured, he did answer directly. Whence I infer, that Christ did not conceive it evil to urge one to swear in any Case. 2. That he conceived, or took this Oath on him, which is equivalent to swearing, and therefore proves that Christ took it not for an unlawfull thing to urge, or take an Oath, or answer upon Oath in some cases.

To this Argument the chief opposition is against the urging of *Pauls* adjuring, 1 *Thess.* 5. 27. and Christs answer, *Matth.* 26. 63, 64. And to the first place, whereas *Samuel Fisher* had said, *that* ὁρκίζω *may be taken in the moderate sense*, i. e. *any way to oblige*, and I had said in my *supplement*, that no instance is given by him, where ὁρκίζω is used in that moderate sense, he replies, that which I had before prevented, *that I confess that*, 1 Tim. 6. 13. 2 Tim. 4. 1. *are alike charges*, which I still acknowledge. But say, 1. That in neither place is the word ὁρκίζω, of which alone is the question. 2. That it must be construed as a binding by Oath, sith it is, *I adjure you by the Lord.* And to his objection,

jection, *how could the Apostle bind them by Oath when they were absent?* I told him in my *supplement*, pag. 8. as *Saul* charged by Oath, or adjured, or bound by Oath the people, and *Jonathan* his son, though absent and ignorant, 1 *Sam.* 14. 24, 28, 42. But saith he, *either* Paul *did not charge them to take an Oath, or if he did, they did not take it, nor swear to him; unless we shall suppose they swore to some other that stood present, as* Pauls *proxy by word of mouth to exact it of them; which absurdity is more fit to be exploded than supposed.* To which I say, I need not prove they did take an Oath, but it is sufficient for my purpose that he did urge them, and bind them by Oath, which he might do by letter, being absent from them, though they did not take an Oath personally; as *Saul* did adjure, and bind the people by Oath, though they did not take upon them an Oath personally, and this is no absurdity to be exploded. Lett. 7.

To the other place, *Samuel Fisher* in his *Antidote against swearing*, pag. 19. Answers, that *to say, if* Matth. 26. 63. *be as much as I charge thee, urge thee to swear, or exact an Oath of thee, then* Acts 19. 12, 13. *where the Vagabond* Jews imitating *Paul* charged (the *Greek* word is ὁρκιζομεν) *the evil spirits in the name of Jesus to come out of men, it should be read thus, viz. we charge you to swear by Jesus, whom* Paul *preacheth; for 'twould suppose the whole design of those Exorcists was to cause the evil spirits to swear by Jesus, whereas their design was to cause them to come out of the men, and 'twould suppose that the commands of Paul,* Acts 16. 18. 1 Thes. 5. 27. 1 Tim. 6. 13, 17. 2 Tim. 4. 1. *were not charges of the foresaid charged ones to do the things which he commanded them to do so respectively, but commands, or charges of them onely to swear by God, and Christ Jesus, that they would do them; which to suppose is absurdity in the abstract.* To which I replied, this follows not, the design being to urge them by Oath to do the things urged, whether they personally took on them the Oath, or no, as *Saul* did urge, and bind by Oath the people to abstain from food, which they took themselves bound to do, though they did not personally swear.

But it is said, *that they do err, who think that an Oath is exacted,* Matth. 26. 63. Mark. 5. 7. 1 Thes. 5. 27. Acts 19.

13

Lect.7. 13. *That ſo indeed the ſignification of the word* ὁρκίζω, *in ſome places, but in other places, as* Numb. 5. 19. Joſh. 7. 26. 1 Sam. 14. 27, 28. 1 Reg. 2. 43. Cant. 5. 9. *it ſignifies with a weighty obteſtation by the Divine name to caſt religion in ſome ones mind, which the old Latins call obſecration, which ſenſe is proper to thoſe places,* Luke *ch.* 8. 28. *expreſſeth that by* δέομαί σου, *I beſeech thee, which is in* Mark. 5. 7. ὁρκίζω σε τὸν Θεὸν, *I adjure thee by God. Obſecration was wont to be adjoyning to prayers, as in* Horace, *I pray thee by all the Gods, in* Virgil, *I pray thee by ſacred things.*

To which I reply, that in all thoſe places out of the Old Teſtament, which are cited, none of them do expreſs by ὁρκίζω, obteſtation without an Oath urged at leaſt, if not perſonally taken. The word is not *Joſh.* 7. 19. the place meant, *Cantic.* 5. 8, 9. may be underſtood of charging, or urging them by Oath: in the other three places an Oath is expreſſed, *Numb.* 5. 19. it is, *the Prieſt ſhall charge by Oath, as* v. 21. *the Prieſt ſhall charge the Woman with an Oath of Curſing,* in the *Greek with the Oaths of this Curſe,* 1 Sam. 14. 26. that is expreſly termed *an Oath*, which *Saul* adjured the people with. And that is as plain, which is 1 *Kings* 2. where *Solomon,* verſ. 42. is ſaid to *adjure*, that is, to make *Shimei* ſwear, and he is ſaid, *verſ.* 43. *not to keep the Oath of the Lord.* The ſame learned man takes notice of *Exod.* 13. 19. where it is ὅρκῳ ὥρκισε, *he charged with an Oath*, Ezra 10. 5. that *Ezra aroſe*, and ὥρκισε *he charged by Oath the Rulers, and they ſware, in which ſtory* Joſephus *uſeth this word: And that ſuch exorciſing, as is* Matth. 26. 63. *was uſed by Judges to fetch Teſtimony from Witneſſes, or Confeſſion from the accuſed, of which there is a Law extant,* Lev. 5. 1. *where the Witneſs is pronounced liable to fault, who conceals the truth after he hath heard the word of urging by Oath, in* Greek φωνὴν ὁρκισμοῦ, הָאָלָה קוֹל. *For that is the true meaning of that Law, by many not well underſtood, of which he conceives the formes, were, as* 1 Kings 22. 16. 1 Chron. 18. 15. *Grot. annot. in* Matth. 26. 63. Out of which places it may be gathered, that his urging was by an Oath of execration, which he that did not deny did take on him, and ſo was taken to be bound by Oath, if by the Superiour by way of command, if by equal or inferiour by way of obteſtation, or obſecration, but ſtill

ſo

ſo as that the oath was urged; and ſo I conceive the adjuring, *Mark.* 5. 7. of Chriſt, was an obſecration with religion of an Oath of Oppignoration, or Execration, as he regarded God, and his intereſt in him, which he would not loſe, and ſo it is in all Exorciſms, or conjurations, there is an Oath urged, whether accepted, or nor, as in *Acts* 19. 13. *&c.* And that Chriſt did accept of the Oath, is plain by his direct anſwer to the High-Prieſt then, *Matth.* 26. 63, 64. and not before. But *Samuel Fiſher* pag. 22. of his *Antidote againſt ſwearing* ſaith, that Chriſt anſwered [*I am,*] *Mark.* 14, 62. *when the High-Prieſt barely ask'd him, but when the Prieſt ſaid,* Matt. 26. 63. *I adjure thee by the Living God, he anſwered, thou ſayeſt*, verſ. 64. *which ſeems to be a waving of all poſitive anſwer, rather than ſuch a poſitive anſwer, as I am, which yet, had he ſaid, he had not ſworn.* I reply, 1. It is apparent by the words following in the ſame verſe, compared with *Matth.* 26. 64. that [*thou ſaiſt,*] in *Matthew* was the ſame anſwer with [*I am*] *Mark* 14. 62.] and the High Prieſts upon it rendring his cloths in both Evangeliſts, and that it was a poſitive anſwer, beſides what was ſaid before in opening the meaning of the ſpeech, [*thou ſaiſt*] Chriſts words, [*that they ſhould ſee the ſon of man ſitting on the right hand of power*] was a plain acknowledgment of his being the Son of God. 2. It is hereby apparent, that the asking, *Mark* 14. 61. was by adjuration, and that, Chriſt not anſwering before, his anſwer was by force of the adjuration in obedience to that authority, to which, *being in the form of a ſervant*, he was made ſubject, and conſequently that the High Prieſt did charge him by oath to anſwer, and his anſwering then, ſhews his accepting of the charge, and taking on him the Oath. Dr. *Hammond* annot. on *Matt.* 26. 63. 'Twas a cuſtom among the Jews to adjure, which was by ſome form of execration laid upon the perſon, if he did not ſpeak, and anſwer truely; this among them obliged the perſon adjured, as much as if he had taken an Oath; and therefore Chriſt, though before he had held his peace, now being adjured, thinks himſelf bound to anſwer him. *Letter.*

But ſaith *Samuel Fiſher*, p. 15. *this was all in the time of the Law, and under it, before Chriſt by his death had put an end to it.*

Lect. 7. To which I reply, 1. It was after the prohibition, *Matth.* 5. 34. and therefore ſhews that Chriſt did not forbid univerſally all ſwearing in all caſes, but allowed ſome urging of an oath, and anſwering thereupon. 2. The Moral Law is not ended by Chriſts death.

But *there was no requiring to lay his hand on a book, and kiſs it, and ſwear by God and the Holy Evangeliſts, and ſuch like, without which, ſpeak we never ſo ſolemnly, as in the ſight of the Living God, our preſent Juſticees will not own our declaration as ſatisfactory, unleſs we take the oath in that old, meer ſhadowy way, though we declar againſt the Pope, our faithfulneſs to the King, as in the ſight of God, who is witneſs that we lye not, and knows the truth of our hearts, and in the preſence of the Living God*, p. 15, 16, 17. of his *Antidote*.

To which I reply, 1. Thoſe rites of ſwearing are not ſhadows, nor part of the Law ended by Chriſts death. 2. That, as I ſaid before, the laying the hand on the book is an innocent rite. 3. That I wiſh, if it ſtood with the publick welfare, it were not preſſed on men that are conſcientious therein, and that ſuch a declaration as is truely an oath were accepted. 4. That if *S. F.* and thoſe of his way, can make ſuch a Declaration, as is indeed an Oath, however they take it, they do ſufficiently yield that Chriſt did not univerſally forbid all ſwearing in all caſes by their own Grants, ſith they yield to that Declaration which is an Oath, (though they deny the uſual rite) and conſequently ſome ſwearing to be lawfull, which was to be demonſtrated.

§. 8. *The fourth Argument for ſome ſwearing from the practice of the godly.* The fourth argument is thus; That which hath been the practice of the godly before, under the Law, and in the times of the Goſpel, without reproof, is lawfull; for in all theſe times, and by ſuch men, moved as they were by Gods ſpirit, even in their holy ſpeeches and writings, it would not have been done, had it been ſinfull. But ſome ſwearing hath been the practice of the godly before, under the Law, and in the times of the Goſpel, as is proved by inſtances, of *Abraham*, that *lift up his hand to the moſt high God, Gen.* 14. 22. of *Iſaac, Gen.* 26. 31. of *Jacob, Gen.* 31. 53. under the law of the people of *Iſrael, Deut.* 29. 12, 14. *Joſh.* 9. 19. and 22. 22, 23. and of the ſpies, *Joſh.* 2. 14. of *David, Pſal.* 119. 106. of *David* and *Jonathan*, 1. *Sam.* 20.

Lect. 7.

Sam. 20. 3. 4. *David* to *Saul*, 1. *Sam.* 24. 22. of *Urijah*, 2. *Sam.* 11. 11. of *Ittai*, 2. *Sam.* 15. 21. of *David*, 1. *Kings* 1. 29, 30. and 2. 8. of *Solomon*, v. 23. of *Elijah*, 1 *Kings*, 17. 1. of *Michaiah*, 1. *Kings*, 22. 14. of *Elisha*, 2. *Kings*, 2. 4, 6. and 3. 14. and 5. 16. and the woman of *Shunem*, 2. *Kings*, 4. 30. It is made *the Language of* Canaan, *to swear to the Lord of Hosts*, *Isa.* 19. 18. it is a description of *Israel*, that *they swear by the name of the Lord*, *Isa.* 48. 1. it is threatened as an evil, *Jer.* 44. 26. *Behold I have sworn by my great name, saith the Lord, that my name shall no more be named in the mouth of any man of* Judah *in all the Land of* Egypt, *saying, the Lord liveth.* It is foretold, *Isa.* 65. 16. as a benefit (as may be conceived) belonging to Gospel times, *that he that sweareth in the Earth, shall swear by the God of truth.* In the times of the Gospel, besides what is said before of Christ, *Paul*, 2. *Cor.* 1. 18. useth this oath, *as God is true*, and more fully and plainly, *v.* 23. *I call God to record upon, or against my soul*, and 2. *Cor.* 11. 31. *The God and Father of our Lord Jesus Christ, which is blessed for evermore, knoweth that I lye not*, and 12. 19. *we speak before God in Christ*, 1. *Cor.* 15. 31. this is a form of swearing, *by your rejoycing which I have in Christ Jesus*, it being in Greek, νὴ, which is a particle of swearing, not διὰ, or ἐν, which are prepositions noting the means, or instrument whereby the effect is, *Rom.* 1. 9. *God is my witness*, *Gal.* 1. 20. *Behold before God I lye not*, *Phil.* 1. 8. *God is my record, how greatly I long after you all.* The Angel, *Revel.* 10. 6. *sware by him that liveth for ever*; therefore some swearing is lawfull.

To this saith *Samuel Fisher suppl. subl.* pag. 3, 4. νὴ *is not necessarily a particle of swearing; for whether with, or without an accusative case, νὴ soundeth out no more than some strong asseveration of a thing, as with verily, truely, indeed, or such like; and differs little more from* ναὶ *in Greek (which is yea in English) then the English yea, and yea verily do differ from each other; Witness the Latin adverb* næ *with a Diphthong, derived (as is to be seen in the Latin Dictionaries) of* ναὶ, *or* νὴ *in the Greek, with eta, or long e, which is Englished no otherwise than by truely, verily, in very deed, or such like, and the very Accidence it self makes it a particle of affirming only, and not of swearing. And however,* I. Tombes *saith*

Lect. 7. *that Grammarians make the Greek* νὴ *a particle of ſwearing, yet the Lexicographers make it as well a particle of affirming onely without ſwearing, as in that place,* 1. Cor. 15. *it being evident enough, that* Paul *in that place did not ſwear, when he ſaith, I proteſt by your rejoycing, &c. for to ſwear by any thing but God, is by all judged to be unlawfull.*

Hereto I reply, I find in *Camdens* Greek Grammar, in the Syntaxis of adverbs, μὰ and νὴ *adverbs of ſwearing have after them an accuſative caſe*: In the Syntaxis of *Varennius* taken into the Grammars of *Alexander Scot* in the Syntaxis of adverbs; *adverbs of ſwearing have an accuſative caſe*, and he names νὴ, and μὰ, *which differ in this between themſelves, that* νὴ *by it ſelf ſignifies affirmation, but* μὰ *denying*, and in the Margin, *adverbs of ſwearing with an accuſative caſe. Scapula* in his *lexicon*, in which the *Theſaurus* of *Henricus Stephanus* is contracted, νὴ, *is a particle, ſometimes of one yeilding and affirming, and indeed with an Oath.* In no Grammarian, or Lexicographer that I meet with, is an inſtance given where it is uſed with an accuſative caſe, but that it is a particle of ſwearing, Nor doth *S. F.* ſhew any. He tells us *it ſoundeth out no more than a ſtrong aſſeveration of a thing*, but he ſo ſaith without proof. That which he ſaith of ναὶ νὴ *na* is no proof, he doth not ſhew that ναὶ and νὴ *differ no more than yea and yea verily*, nor that *na* in Latin anſwers to νὴ with e long: any Grammarian may perceive that it is from ναὶ not from νὴ, ſith æ dipthong anſwers in Latin to αι dipthong in Greek. His exception of it's not importing an Oath, becauſe *then there ſhould be ſwearing by ſomething beſides God*, was prevented in telling him that it is an Oath by Oppignoration or execration, which are Oaths by God, *Suppl.* p. 18.

But ſaith he, *if this had been an Oath of Oppignoration or pawning of his own part or ſhare in Chriſts joy, then he would have mentioned his own rejoycing in Chriſt Jeſus onely, and not that of the* Corinthians *alſo; for what reaſon ſoever he had to wiſh the Forfeiture or to pawn his own, yet he had neither right nor reaſon to wiſh the forfeiture of theirs, or to pawn the* Corinthians *part in the joy of Chriſt Jeſus upon it, that it was ſo as he ſpake unto them; no more than any of us have to wiſh evil to another man, or to pawn other mens ſalvation, or to wiſh another man damned, in caſe it be not*

true.

true that we speak; which is a thing altogether ungodly, unlawfull, and unreasonable unto those that have the Spirit of judgment and understanding. Lect. 7.

To which I reply, That divers Copies do read ἡμετέραν *our*, which seems to me to be the better reading, because it is, *which I have in Christ Jesus*, though *Beza* thinks then it should be [*we have*] not [*I have*] yet he thinks whether it be read [*our*] or [*your*] *it is the same sentence, but peculiarly applied to the Corinthians, as if the Apostle should say, I dye dayly, and of this thing I take to witness all the sorrows which I may truely glory I have undergone with you, or, let your glorying (that is your profiting in the Gospell, which I have published among you with the greatest perils) be witness that it may somewhat pertain to me in Christ Jesus*: Or if the meaning be as *Grotius* in his annotation on 1 *Cor.* 15. 31. *The possessive pronoun* [your] *which is instead of the genitive case, doth here, as elsewhere the genitive case, design the efficient Cause. For he would say this. As truely as I rejoyce (for that is meant by* καυχᾶσθαι) *concerning your profiting in Christ, So true it is that I am dayly ready to dye: so far is it from me that I should doubt whether there shall be a resurrection.* Take it which way any Interpreter gives, if this expression be by way of oppignoration, it is his own rejoycing that he pawns, and so no wishing evil to another man, much less damnation, or pawning anothers salvation, which *S. F.* endeavours, though vainly to represent as odious in me. However it is no unusual thing, nor uncharitable to wish evil to persons neerly related to us, and whose welfare much concerns us, and with which we are affected, if we do not speak truth, or intend not to perform, as 1. *Sam.* 20. 42. But if it be interpreted according to the first form of swearing, as in my third Lecture here, sect. 3. I interpret *Josephs* speech, νὴ τὴν τυχὴν Φαραὼ *by the life of Pharaoh*, and is conceived by *Grotius*, or by the second form, as *Beza* seems to conceive, and our English [I protest] intimates, or by way of oppignoration, or execration, as I conceived in my supplement, as Mr. *Gataker* annot. on *Isa.* 65. 16. *that is, so may I have joy together with you in the Lord, and as we use to say, so help me God*, yet it is a form of swearing, and this form reduced to swearing by God, and so *my pleading* for some swearing as lawfull, no *fruit of my ignorance of Christs Doctrine*, much less of *enmity against it*, as *S. F.* doth undeservedly

Lect. 7. charge me, which will be the more apparent, if the rest of the instances of *Pauls*, and the Angels, and other godly mens swearing, with Christs answer to the High-Priests adjuration, *Matt.* 26, 63, 64. be considered.

Against those instances of *Pauls* swearing, 2. *Cor.* 1. 18, 23. and 11. 31. and 12. 19. *Rom.* 1. 9. *Gal.* 1. 20. *Phil.* 1. 8. it is denied those to be expressions of swearing, which is refelled before, lect. 5. sect. 7.

To the instance of the Angels swearing, *Revel.* 10. 5, 6. *S. F.* in his *Antidote*, p. 12. speaks thus, *that Ceremony of swearing belonged to the Law, that was given by the dispensation of Angels in the hand of the old Mediator* Moses, Gal. 3. 19. *but this is no president for them who are under the doctrine of the Son himself, who are not to go back, so as to rebel against the commands of the Son, to follow the bare example of the servant* Moses, *who was faithfull as a servant*, Heb. 3. 5, 6. *but Christ as the Son over his own house, the true Israelites, his sheep who hear his own voice, on whom the servants, and their Law*, i. e. Moses *and the Angels, have now nothing to do to impose, read* Heb. 1. 1. *God who, &c. to the end.*

To which I reply, that he doth vainly conceive. 1. Swearing to be a *ceremony* which is a moral duty. 2. That it belongs peculiarly to *Moses* Law, which was in use among other people of the earth, according to the Law of Nature, or Nations at least. 3. That Christians are not to be subject to the Law of the third command about swearing, though it be moral, or which is the same *the servants and their Law*, i. e. *Moses and the Angels have now nothing to do to impose*, which is the *Antinomian* Doctrine, that the moral Law delivered by *Moses* binds not Christian men, contrary to *Matth.* 5. 17, 18. *Rom.* 13. 8. *Ephes.* 6. 1, 2. *James* 2. 10, 11. and other places. 4. That the Angels action is no President to us, because the Law was given by Angels, yet *Jude* 9. *Michael* the *Arch-Angels* action is made a President. 5. I say, by Angels the birth of Christ was made known and his resurrection, *Luke* 1. and 2. and 24. they *Worship Christ*, Heb. 1. 6. *are ministring spirits to Christ for the Heirs of salvation*, and therefore their action should be a President under the Gospel as well as under the Law. 6. I say, that Angels were attendants on Christ,

that

that by *the Church they knew the manifold wisdom of God*, Ephes. 3. 10. *desired to look into the things of the Gospel*, 1 *Pet.* 1. 12. and therefore are to be supposed not ignorant of Christs meaning, *Matth.* 5. 34, &c. much less would do that which is contrary to it in the times of the Gospel being holy persons, 1 *Tim.* 5. 21. observers of Christian order, 1 *Cor.* 11. 10.

To the instance of *Abraham*, *David*, *&c.* he saith, *pag.* 22. *that they were under the Law, that then men lived in strifes, from which they are now redeemed.* Whereto I reply, *Abraham was the father of believers justified by Faith*, *Rom.* 4. 11. and yet sware, *Genes.* 14. Though Christians are now redeemed from strife as it is their sin, yet not from it as their affliction, but that they are necessitated sometimes to strive, and to end strife by swearing.

To the Prophecie, *Isai* 65. 16. *S. F.* in his *Antidote*, pag. 30. saith, *that there swearing properly and formally so taken is not meant, but as it is usual with the Prophets to speak of Evangelical matters under the (then) usual, though but legal phrases, so semblably he that sweareth in those dayes shall swear by the God of Truth, is not spoken of the Ceremony which these times practise, and these men plead for; but of a substance, a speaking (though called by that name of swearing which was the shadow) the truth from the heart, a speaking in righteousness (though by no more than yea and nay) in his sight, in whom Gods Oath and promises are all yea, or truth it self, as Christ is said to do of whom the Saints are. And that it is not meant of swearing properly may be proved, because it shall be when Jacobs former troubles shall be forgotten in the new Heavens and Earth, wherin dwelleth righteousness, and so no strife, for ending of which there is need and use of swearing, which is made the end of it.*

To which I reply, it must be understood of swearing properly and formally, as *blessing himself in the God of Truth*, whether by prayer, or praise, is to be understood properly and formally. I shall set down the Annotation of that accurate Author Mr. *Gataker* in his learned *Annot.* on *Isai.* 65. 16. *shall swear by the God of Truth*] *or, by the God of the faithfull, or firm, and stable people, that is, they*

Lect. 7. *ſhall in their ſolemn Oaths, mention together with him, his goodneſs to them, and their bleſſed eſtate, and ſetled condition thereof. In ſolemn Oaths, they uſed, as Execrations and Curſings, if they meant not truely, or ſhould deal unfaithfully: ſo bleſſings alſo, and expreſſions of deſire to live and thrive, do well and proſper, as their intentions were ſincere, and their performances ſhould be faithfull. So the Apoſtle* 1 Cor. 15. 31. *by our rejoycing which we have in the Lord Jeſus, that is, ſo may I have joy together with you in the Lord God; and as we uſe to ſay, ſo help me God. The meaning then is, that in conceiving Oaths, they ſhould uſe ſuch forms as theſe, or the like; The Lord that bleſſed ſuch, and ſuch his ſervants, bleſs me, and mine, in like manner, and no otherwiſe, than as I ſhall deal ſincerely and faithfully, in that, which by Oath I now oblige my ſelf unto.* As for that which *S. F.* allegeth *that it ſhall be when no troubles ſhall be, but a new Heaven and Earth, and ſo no ſtrife, and therefore no need of ſwearing*, I reply, 1. That there is uſe of Oaths where there is no ſtrife, the ending of which is not the adæquate end of ſwearing, as is ſhewed here in this *Lecture, ſect.* 1, 2. 2. That it is not ſaid, there ſhall be no troubles, but *that the former troubles ſhall be forgotten*, there ſhall not be ſuch as formerly. 3. That if *the new Heavens and Earth* be meant of the times of the Goſpel, according to 2 *Cor.* 5. 17. yet in that time were ſtrifes and contentions, 1 *Cor.* 1. 11. and 6. 1, 7. 2 *Cor.* 12. 20. The beſt of the Saints are not free from them, no nor the Quakers themſelves. If the new Heavens and the Earth be meant of a time hereafter, according to 2 *Pet.* 3. 13. yet there may be uſe of Oaths to aſſure the truth of mens, or Gods ſayings: which how it ſhall be, as we knew not the ſtate of things at that time, ſo neither can we declare. Sure we are, as now things are, there is uſe of ſwearing, which leads me to my fifth Argument for lawfulneſs of ſome ſwearing.

My fifth Argument is, That which hath a neceſſary uſe for the benefit of humane ſociety is not unlawfull.

But

But ſome Swearing hath a neceſſary uſe for the benefit of humane ſociety, therefore ſome Swearing is lawful, the *Major* is plain, it agreeing with the law of Nature and Nations, which is of neceſſary uſe for the benefit of humane ſociety, which laws God the Authour of nature hath imprinted in all, and indeed hath made all his Laws for men one towards another ſubſervient thereto. The *Major* is plain from the words of the Author to the *Hebrews chap.6.16. An Oath to men is an end of all ſtrife*, which is a neceſſary uſe for humane benefit. This Argument *Auguſtin* in his 154. *Epiſtle to Publicola* uſeth to ſhew the lawfulnes of taking Oaths from the barbarous people though Idolaters that ſwear by others then the true God, *for*, ſaith he, *not onely to the Borders or Marches, but alſo to all the Provinces peace is procured by the barbarians ſwearing.* And in the *Homily* of *Swearing* in the firſt part or *tome of the Homilies of the Church of England* are theſe words. *By lawful Promiſes and Covenants confirmed by Oaths Princes and their Countries are confirmed in common tranquillity and peace. By holy promiſes with calling the Name of God to witneſſe we be made lively members of Chriſt, when we profeſſe his Religion, receiving the Sacrament of baptiſme. By like holy promiſe the Sacrament of matrimony knitteth man and wife in perpetual love, that they deſire not to be ſeparated for any diſpleaſure or adverſity, that ſhall after happen. By lawful Oaths which Kings, Princes, Judges and Magiſtrates do ſwear common Laws are kept inviolate, juſtice is indifferently adminiſtred, Harmles Perſons, Fatherleſſe Children Widdows and Poor men are defended from Murderers, Oppreſſors and Theeves, that they ſuffer no wrong nor take any harm. By lawful Oaths mutual ſociety, amity and good order is kept continually in all Common-Wealths as Boroughs, Cities, Towns and Villages. And by lawful Oaths Male actors are ſearched, wrong doers are puniſhed, and they which ſuſtain wrong are reſtored to their right, therefore lawful ſwearing, cannot be evil, which bringeth unto us ſo many godly good and neceſſary commodities.*

Lect. 7.

§.9 The 5th. & 6th. arguments for the lawfulnes of ſome ſwearing from the uſe of it, and its being a ſacred thing are ſet down.

That which is Anſwered to this is either the allegations that *it was ſo under the Law, that the Saints now are Redeemed from ſtrife*, or perſonal invectives, which having refelled partly before in this Treatiſe partly in my *Supplement*, *p.* 13. 15, 16. I add no further reply here.

The *6th.* Argument is, that which hath been counted by all Nations as a Sacred thing, is a Principal part of the ac-

Lect. 7. knowledgement and worship of God may be lawful. But such is some swearing: *ergo.* The *Minor* is proved both from the sayings of *Aristotle* in his *Rhetorick* to *Alexander, ch.* 18. that *an Oath is an affirmation without demonstration with Divine Veneration*, and of *Tully* in the 3*d.* of his *Offices, that it is a Religious affirmation*, to which might be added many more: and also from the sacred Scripture chiefly, *Deut.* 10. 20. where God injoynes these together as parts of his worship, *thou shalt fear the Lord thy God, him shalt thou serve, and to him shalt thou cleave, and swear by his Name.* Wherein these are made duties connex to fear, serve, cleave to God and to swear by his Name.

That which I meet with in answer hereto is either, that it was a ceremony under the Law not now in force, which is refuted both by that which is said in vindication of the first Argument here, and also by this text, which joyns swearing by the Name of God with fear, service and adherence, or the repeating of the prohibitions of Christ, *Matth.* 5. 34, 35, 36, 37. of *James ch.* 5. 12. to the examination of which I now passe.

§ 10. An answer to the objection from *Mat* 5. 33, 34 35, 36, 37. *James* 5. 12. against any swearing from the flatnes & fulnesse of the prohibitions.

The Grand Objection is from the words of our Saviour and his Apostles, of which *Samuel Fisher* in his *one Antidote more against swearing*, p. 50, 51. writes thus. *I shall set down the words as they lye in both those places, of both Christ and the Apostle James, Mat.* 5. 33, 34, 35, 36, 37. *Ye have heard that it hath been said by them of old time, thou shalt not forswear thy self, but shalt perform unto the Lord thine Oaths. But I say unto you swear not at all, neither by Heaven, for it is Gods Throne, neither by the Earth, for it is his foot-stoole; neither by Jerusalem, for it is the City of the Great King: neither shalt thou swear by thy head, because thou canst not make one hair white or black. But let your communication be, yea, yea, nay, nay; for whatsoever is more then these cometh of evil, James* 5. 12. *But above all things my Brethren swear not, neither by Heaven, neither by Earth, neither by any other Oath; but let your yea be yea, and your nay nay; least ye fall into condemnation.* In which two Texts say we (*in the affirmative*) *all manner of swearing is forbidden; for the truth of which construction there are many reasons to be given, as* 1. *Because all manner of swearing is expresly instanced in those disjunctive clauses, which are expresly conclusive, and consequently* (*because spoken by way of prohibition*) *exclusive, exceptive of all swearing that can be thought on. Swear not, swear not at all say the Texts; that's*

enough

enough to any save such as list to be contentious; yet that none might imagine, that this general rule here admits of any exception, but all know that the prohibition is so strict, as to allow of no permission in that point, to swear by any thing but God, he adds, neither by Earth, neither by Jerusalem, neither by the Head. Lect. 7.

And least any should think he forbids onely and no more then the extravagant Oaths of such as swear by the Creatures; as Earth, Jerusalem, the Head, and such like, when as whosoever sware lawfully under the Law, was to swear by none but God himself; he adds, not by Heaven, for it is Gods Throne; which is exclusive of all swearing now by God himself, by whom men might swear in old time, For Mat. 23. 22. He that shall swear by Heaven sweareth by the Throne of God, and by him that sitteth thereon. And lastly, that there may be no root at all left for any reasoning for swearing against this flat prohibition of it, he concludes, and shuts up all in such universal terms, as exclude both all Oaths, and all possible pretence of plea at all also for any swearing; adding, neither by any other Oath, when these are? what words so few as these (if one would devise a form of speech to speak in to such a purpose) can be more expressly exclusive both of all kinds or sorts of swearing, and of all sorts of particular Oaths of every kind?

To this I Answer, it is to be acknowledged, that the words seem to carry a flat prohibition of all manner of swearing, if we take the words by themselves, and compare them not with other Scriptures of the Old and New Testament, which shew precept and practise not onely of the godly Patriarchs, but also of Christ, and *Paul* and the Angel in the times of the New Testament as they are before urged, which is to be condemned, if the words of Christ, and *James* be understood without a limitation. Which that I may clear I shall shew 1. That such forms of Speech do not necessarily exclude all limitation. 2. That Christ doth often use flat prohibitions, which yet must be limited. 3. That some limitations may be gathered from the words of *Christ*, and *James*. *Exod.* 20. 8, 9, 10 God commands strictly *to remember to keep holy the Sabbath day*, and then determinately appoints what dayes they were to do all their work in, and then determins that *on the seventh day was the Sabbath of the Lord their God*, and then expressly forbids *any work on that Day*, and then useth dis-junctive expressions, *Thou, thy Sons, thy Daughters*, &c. and adds the Reason, *from his*

Lect 7. *own rest*, with severe prohibitions not to kindle a fire, not to dresse Food that Day, punishing him that but gathered Sticks on that Day with Death, *Numb.* 15. 36. and yet our Saviour doth by his frequent Pleas, and Actions, *Mat.* 12. *Mark* 2. and 3. chap. *Luke* 6. & 13. & 14. chap. *John* 5. 7. & 9. chap. shew, that the prohibition of working on the Sabbath with as much or more severity then that, *Mat.* 5. 33. &c. is to be understood with exception of works of necessity, and consequently though the prohibition, *Mat.* 5. 33. *James* 5 12. be with much strictnesse of expressions, yet it may be expounded not to exclude necessary Oaths: but onely such as are voluntary, that is of our own accord without any urgent or cogent Reason

To this *S. F.* in his *Antidote* p. 57. saith, *As for general Terms and universal prohibitions, admitting of exceptions and restrictions, I know well enough they do so now and then; but when they do, those exceptions and restrictions are usually in one place or other of the same Testament, where they are made, either expressed, or at least most manifestly and apparently implyed by him that gave out those general terms or prohibitions; and so are all or most of those very exceptions from & restrictions of those generals instanced in. As for example, the exception of such works as pertained to Sacrifice, that the Priest prophaned it by, from, thou shalt do no manner of work on the seventh or Sabbath Day, is abundantly elsewhere expressed in the Law, where the Priests services on every Sabbath are appointed them, and the exception of dressing what every one was to eat was expressed. And the exception of doing good, and of works of mercy in saving the life of man or beast, which was to take place ever against the Typical Sabbath, and all its service (I will have Mercy and not Sacrifice, saith God) was expresst, though the Scribes and Pharisees, more out of malice to Christ, then out of ignorance of those expressions, would not see all those expresse exceptions that were made against the general Rule and Prohibition, viz. in it thou shalt do no manner of work, and therefore grumbled at Christs healing on the Sabbath, and forbad the people then to come to him.*

Whereto I reply, 1. that this very grant doth sufficiently prove, that the plainnesse and fulnesse of the prohibition is not of it self enough to prove all manner of swearing forbidden in all Cases, sith the like plain and full prohibition of work on the Sabbath admitted exceptions of some works in some Cases.

2. That

2. That *S. F.* doth not prove, that no exception from a general full plain prohibition is to be admitted, unleſſe *thoſe exceptions are in one place, or other of the ſame Teſtament, where they are made, either expreſſed, or at leaſt moſt manifeſtly, and apparently implyed by him, that gave out thoſe general terms or prohibitions.* For no juſt Reaſon can be alleadged why the exceptions made in an other place of another Teſtament, by one that hath equal Authority ſhould not be admitted, *viz.* why exceptions proved from the old ſhould not be good againſt a prohibition in the new Teſtament, as well as an exception proved out of *Hoſeah*, ſtand good againſt a prohibition of God in the fourth Commandment, or an exception grounded on the Law of Nature, ſhould not ſtand good againſt a prohibition in the Written Law, though the exception be not from any particular place in either Teſtament; as for inſtance, againſt the general Law, *thou ſhalt not kill*, why this exception ſhould not ſtand good, [*except to preſerve my own life*] though it be proved onely, without the Scripture, from the Law of Nature. Lect. 7.

3. The exceptions from the prohibition of doing work on the Sabbath Day, are three.

1. The work of the Prieſt at the Temple.
2. *Davids* eating the ſhew-bread.
3. Gods requiring *Mercy rather then Sacrifice.*

Now to me it ſeems that the example of *Chriſt* and *Paul*, and the Angel before mentioned, the Precepts, Propheſie, Practiſe, experience of former and later ages of the benefit by and neceſſity of ſome ſwearing in ſome Caſes do preponderate the Allegations for reſtraining the prohibition of working on the Sabbath, and therefore by parity of Reaſon there ſhould be allowed a limitation of the prohibition of ſwearing as well as the prohibition of working on the Sabbath Day.

2. That Chriſt doth uſe flat prohibitions, which yet are to be limited is proved by Inſtances. In my *ſerious conſideration of the Oath of the Kings Supremacy*, p. 15. I inſtanced in the next words of our Saviour following, v. 38, 39, 40, 41, 42. Which are, *ye have heard that it hath been ſaid, an eye for an eye, and a tooth for a tooth. But I ſay unto you, that ye reſiſt not evil: but whoſoever ſhall ſmite thee on thy right cheek, turn to him the other alſo, and whoſoever ſhall compel thee to go a mile, go with*

Lect. 7.

with him twain. Give to him that asketh thee; and from him that would borrow of thee, turn thou not away, Luke 6. 30. *Give to every man that asketh of thee, and of him that taketh away thy goods ask them not again,* v. 19. *and him that taketh away thy Cloak, forbid not to take thy Coat alſo,* v. 34. *lend, hoping for nothing again.* Which are as full in ſhew for not reſiſting of evil, but offering our ſelves to receive further injury, and permitting more dammage without uſe of *powers, who are Miniſters of God for good,* and profuſe vain caſting away our Eſtates contrary to the Law of Nature, in our neceſſary defence, to that neceſſary moderate providence, which belongs to every man, that due reſpect which each is to have to the Rules of Mercy, Bounty, and our own imployment and Family, as the prohibition of ſwearing, *v.* 34. for ſwearing in no Caſe: and yet muſt be underſtood with limitations, of not reſiſting evil with a vindictive mind, permitting injuries when we cannot right our ſelves without a greater miſchief, giving & lending without defrauding others, when there is a neceſſity, with other like limitations agreeable to other precepts, and the Law of Nature, without which cautions we ſhall make Chriſts precepts inſtead of being uſeful to become pernicious: and make them obnoxious to the ſcoffs which *Julian* and others have derided Chriſt with.

To which *S. F.* page 58. of his *Antidote* anſwers is, *Do not other Scriptures inform us that theſe general terms muſt be reſtrained?*

That which I Reply they do, and ſo do other Scriptures inform us, as fully that the general terms, *Mat.* 5. 34. &c. *James* 5. 12. muſt be reſtrained. The ſame is to be ſaid of the prohibitions, *Mat.* 6. 19. 25. 34. *Mat.* 7. 1. *Mat* 10. 28. *John* 6. 27. Which have no expreſſe limitation, yet a limitation is allowed to avoid abſurdities of oppoſing other precepts, the Law of Nature, and of Nations, which are not conceived to be annulled by Chriſt.

I alleged alſo in my *ſupplement*, p. 16. *Mat.* 23. 3. 8, 9. concerning the laſt of which ſaith *S. F. Antidot* p. 57. *And when Chriſt ſayes to his Diſciples (as ſo) call no man father on earth; its a prohibition that univerſally holds among them (quà tales) for the Saints have no earthly Father, but one is their Father in Heaven, even God the Father of ſpirits, who of his own will begat them into the Image of himſelf, in holineſſe, in which capacity no fathers of*

their

their flesh are by them to be called Fathers: The Rule is general without exception, to him that rightly reads it; not requiring so much expressed exception as is expressed, if other Texts be consulted, which speak of God onely being the one Father of believers. Lect. 7.

To which I reply, *(as so)* and *(qua tales)* are not in the Text, and therefore he that rightly reads the Text must not read it as a general without Exception, if *S. F.* read it rightly. 2. The limitation is not rightly put by him, for the Precept belongs to other then Disciples of Christ, as appears by v. 1. *Christ spake to the multitude as well as his Disciples*, and the truth is, the Disciples of the Pharisees were *not to call any man father upon earth* in Christs sense any more then Christs Disciples. 3. It is not any where to my remembrance, that *Texts speak of God onely being the one Father of all believers*, *Mal.* 2. 10. it is said, *have we not all one Father?* but this is meant of all men, not of believers onely. For it follows, *hath not one God created us?* and so he is Father of all by Creation. And the like I conceive of 1 *Cor.* 8. 6. *Ephes.* 4. 6. and therefore I conceive, if other Texts were consulted with the limitation *S. F.* gives to *Mat.* 23. 9. would not be found expressed. 4. His limitation cannot be right, for though it be true, that *God onely is the Father of Spirits*, who *of his own will begat Disciples into the Image of himself in holiness*, yet he onely is not termed *the Father of all believers*, this term is given to *Abraham*, *Rom.* 4. 11. and *Paul* saith, 1 *Cor.* 4. 14. *as my beloved sons I warn you*, v. 15. *for though you have ten Thousand Instructers in Christ, yet have ye not many Fathers: for in Christ Jesus I have begotten you through the Gospel*, therefore of Disciples or Believers others besides God might be called Fathers on Earth: which might be confirmed by other places, as *Gal.* 4. 19. 1 *John* 2. 12, 13, 14, 18, &c. 5. The Texts must be limited as the occasion and matter requires, *Mat.* 23. 3. *All they bid you observe*, that is according to *Moses* his Precepts, *that do, but not according to their works*, that is of their own devising, or out of their corrupt hearts: or as v. 4, 5, 6, 7, sets down their works. And so v. 8. *Be ye not called Rabbi*, that is as they affect it do not ye affect it, for otherwise Christ permitted himself to be called *Rabbi*, *John* 1. 38. 49. *Joh.* 3. 2. *John* 20. 16. and so *call no man Father on earth*, that is in that sense the Pharisees affected, so as that we should ascribe to them an uncontrollable command over our Consciences. 6. Whether

Lect. 7.

ther his limitation or mine be the more right, that which I was to prove is proved, that Christ useth flat prohibitions often, which yet must be limited.

§. 11. A limitation of those texts, Mat 5.34. Jam 5.12. may be gathered from them.

The third thing remains for me to shew in answer to S. F. his first reason for a prohibition of all manner of swearing, without any limitation or exception in Christs words, *Mat.* 5. 34. and of *Iames* 5. 12 that some limitations may be gathered from the words of Christ and *Iames*. In which thing I find various conceits among Interpreters. *David Parens* in his *Commentary on Mat.* 5. 34. answers thus, ὅλως *at all is not to be pulled away from the following forms of swearing disapproved by Christ: neither by heaven: neither by earth, neither by Hierusalem, neither by thy head. For he doth not add to these, neither by God, which is well to be observed: For if he had so added it would have opposed other places of Scripture. Therefore he forbids altogether Oaths by creatures afor said as unlawful, impious, he includes not in the prohibition swearing by God. For he opposeth his prohibition to the old doctrine, which was, that it is onely perjury not to perform oaths when they are by God, swearing by Creatures is no swearing, not to keep oaths made by creatures is not perjury condemned in the Law.*

But 1. the Doctrine of the Pharisees is mistaken, as if they thought onely Oaths by God did bind: for it is manifest they taught, that Oaths by the gold of the Temple, and the gift on the Altar did make men debtors, *Mat.* 23. 16. 18. tho not by the Temple or the Altar. 2. Christ doth not at all condemn those forms of Oaths, because they were by creatures: for he plainly *Mat.* 23. 21, 22. makes swearing by the Temple and by Heaven to be swearing by God, which he doth also intimate, *Mat.* 5. 34, 35, 36. 3. *James* 5. 12. *any other oath* besides swearing by Heaven and Earth is forbidden, and therefore swearing by God also, which is confirmed by the prescribing *yea yea, nay nay.* 4. If the sense given were right, it should rather have been, Forswear not your selves at all: whereas Christ forbids swearing at all, and therefore universally in some sort.

There is a conceit vented, as if *Mat.* 5. 34. should be read, *Swear not commonly, ordinarily, frequently, because* 1 *Cor.* 5. 1. ὅλως ἀκούεται is rendred, *it is commonly reported.*

But this Exposition I conceive not to be rested on, 1. because ὅλως may be otherwise rendred then *commonly,* 1 *Cor.* 5. 1.

5. 1. to wit, either *in ſum, as the* Syrian *Interpreter takes it, to wit, the Apoſtle being unwilling to make a longer narration of ſo great wickedneſſe: or altogether, that is every where and in all* Achaia, *as the* Arabian *Interpreter underſtood it. But,* ſaith Beza *annot. in locum, I rather take it to be a particle of aſſeveration, by which the Apoſtle ſignifies that he could not uſe a leſſe hard Preface, nor ſo diſſemble thoſe things, becauſe the thing was altogether ſo as he had received it from other places: or as* Piſcator, *Schol. on* 1 *Cor.* 5. 1. ὅλως *is a particle of one that aſſevers, and together declares the reaſon of the foregoing Sentence, as if he ſhould ſay, That I threaten the Rod to you weighty reaſon moves: for altogether or plainly it is heard there is fornication among you.* Or as the *Dutch Notes, it is wholly reported* [*that it is not as an uncertain report, but as a certain thing*] or as *Grot. annot. firſt it is unworthy that with you Chriſtians by profeſſion any uncleaneneſſe ſhould be heard of, then verily that ſuch.* ὅλως *that is any at all, as not to ſwear at all in* Juſtin *and* Chryſoſtom, *which otherwhere is* καθόλου *or Univerſally:* Or as *Heinſius Exercit. Sacr.* l. 7. c. 3. *not onely any fornication, or* ὅλως *that is generally ſo called is heard to be among you, but alſo ſuch as from which the Gentiles abhor.* As for the other places, 1 *Cor.* 6. 7. & 15. 19. they ſeem leſſe appoſite to the purpoſe. 2. Becauſe the words following, *Mat.* 5. 34. the word ὅλως *at all,* to wit, *neither by the Heaven,* &c. (which contain an enumeration or diſtribution of particulars) do plainly ſhew that ὅλως is to be rendred as a term importing generality or univerſality, and to have like ſenſe with καθόλου uſed, *Acts* 4. 18. where the Apoſtles are *commanded not to ſpeak* καθόλου *at all,* or at any time or way *in the Name of Jeſus.* *Lect.* 7.

Theſe things being premiſed, I inſiſt on the explication given in my *ſerious conſideration of the Oath of the Kings Supremacy, propo.* 3. p. 15. that we are to take this as certain, that Chriſts precept forbids ſomewhat which the Phariſaical Teachers allowed, though they forbad perjury: Now one thing ſeems to be forbidden by our Lord Chriſt, to wit, the making of ſuch diſtinction of Oaths as the Phariſees did, and accordingly uſed them, which ſeems to have conſiſted in two things,

1. In conceiving they might uſe Oaths by ſome Creatures, as if in ſuch uſe there were no relation to God, and ſo no profaning of his Name, or taking it in vain. The Reaſon of this is from Chriſts and *James* his inſtances onely

Lect. 7. in such sorts of Oaths as were by Creatures, and the refutation of their conceit, by shewing, that all referred to God, as the Oath *by the Heaven* was by God, sith *it is his Throne*; *by the Earth*, sith *it is his Foot-stool*; *by Jerusalem*, sith *it was his City*; *by the Head*, sith *he makes the Hair white or black*.

2. That some of these Oaths made them debtors to perform what they sware, and not other; which appears from Christs own Charge upon them, *Mat.* 23. 16. to 22. Where he terms them *fools and blind guides* for such decision, concluding that all those Oaths had respect to God, and did make them Debtors. And accordingly Christ is not to be understood as forbidding simply all Oaths, but such differencing of Oaths in their meaning and obligation, as the Pharisees and other Jews either superstitiously or otherwise, perhaps out of Covetousnesse, erroneously used. Yet I do not conceive this is all. For the words, *swear not at all, neither by Heaven, nor Earth, nor any other Oath*, but prescribing, *yea, yea, nay nay*, or, *let your yea be yea, and your nay nay*, censuring more to be *from* evil or *the evil one*, seem to forbid all Oaths in some Cases or manner. Wherefore some restrain the prohibition to promissory Oaths allowing assertory, because the Doctrine alleged, *v.* 33. is onely of promissory Oaths, and so the sense is this, *ye have heard that it hath been said by them of old time, thou shalt not forswear thy self, but shalt perform unto the Lord thine Oaths, requiring no more then the keeping of Oaths made to God.* But *I say* unto you that it is not enough that you keep your oaths to God, but I forbid you *to swear at all* by Promissory Oaths.

But there is not that in the Text, which restrains the prohibition to Promissory oaths, for the precept may be larger then the occasion, as often Laws occasioned by some one evil Fact are made to extend to a forbidding not onely of that Fact, but also of other like it. And if it be meant only of Promissory oaths mentioned, *Mat.* 5. 33. it should be onely a restraint of promissory oaths to God, which seem to be fittest to be continued, and no reason in the text implies the prohibition to be of such oaths onely. But against this opinion I have somewhat amply argued in my Supplement, p. 38, 39, 40. 41.

Grotius de Jure belli ac pacis, l. 2. c. 13. §. 21. saith, *We are to note by the way, that what in Christs precepts, and in* James *is said*

said of not swearing doth not belong properly to an assertory oath, of which in Paul *the Apostle there are some examples extant, but to a promissory oath of a future thing which is uncertain. That opposition in Christs words evidently shews it. Ye have heard it said to the ancient, thou shalt not forswear, but render thy oath to the Lord: but I say to you, swear ye not at all, and the Reason which* James *adds, least ye fall into hypocrisie, that is lest ye be found deceitful or false: for that sense the word hypocrisie hath with the Hellenists,* Job 34. 30. Mat. 24. 51. *and elsewhere. The same evinceth that in Christs words, let your speech be yea yea, no no, which* James *so explaineth, but let your yea be yea and your no no: where manifestly there is the figure which Rhetoricians call* πλοκη (folding) *as in that, from that time* Corydon *was to us* Corydon, *and in another like, to that day* Memmius *was* Memmius. *For the first yea and no signifies the Promise, the later the fulfilling of it. For yea is a particle of one that promiseth: whence it is explained by Amen,* Revel. 1. 7. *For the fulfilling of a Promise it is taken in* Paul, 2 Cor. 1. 20. *When he saith, all the Promises of God in Christ are yea and Amen. Hence the old saying of the Hebrews, a just mans yea is yea, and his no no. On the contrary with those whose deeds differ from their sayings, it is said there is yea and no,* 2 Cor. 1. 18. 19. *that is their yea is no, and their no yea. So* Paul *the Apostle himself expounds it, when he had denied that he used lightnesse, adds, his speech was not yea and no.* Grotius *adds in his annotation on* Mat. 5. 34. *that Christ would not have men use promissory Oaths in small secular matters, to our own advantage onely.* Lect. 7.

But as Rivet on *Exod.* 20. 7. q. 2. obserues, sith there is no distinction in Christs words between Promissory oaths in light matters and uncertain and other promissory oaths, it would follow men should not take any promissory oaths at all; which would abolish all civil contracts, and the Arguments in my *Supplement*, p. 38, 39, 40, 41. refute this opinion. Besides if the words be restrained to promissory oaths, it would be supposed that either the Law or the Pharisees did forbid perjury in them and not in assertory oaths, which is not to be conceived. And the words, *yea* and *no*, may as well be understood of assertions as Promises, & the answer as well upon the demand of what is, as what shall be, and so the sense be, *let your Communication, or speech* in your ordinary Colloquies and Conference be, when you affirm a thing to be so, without an oath *yea*, or if need be to make a more

earnest asseveration, *yea yea*, so it is, so it is, and when you
Lect. 7. deny *no* it is not, or *no no* it is not, as well as *yea yea*, I will do thus, or *no no* I will not do thus. And me thinks the words *Mat.* 5. 37. do plainly shew the meaning to be so, For Christ saith, *that which is more then these, over and above these is from the Evil one the Devil*, or *from* the persons *evil* who swears or his who provokes, or *the evil* incident to men by reason of contentions, distrust of one another or the like cause, which can be understood of no other thing then mens words, and so not of deeds accomplishing promises. Yea to say, *the first* [*yea*] *is meant of the Promise, and the second of fulfilling the promise* would infer, that what is more then these, the promise and the fulfilling of the promise, is of evil. Whence it would follow, if a man promise to Preach the Truth and fulfil it, and do more, suppose dye for the Truth, or if a man promise to give an Alms and perform it, and after do more, it cometh of evil. As for the words of *James*, though I conceive *Grotius* his conceit very witty and probable, yet not necessary: For some Copies read, *let your speech be the yea yea, and the no no*: Or if the reading be, *let the yea which is yours be yea, the nay which is yours be nay*, and it exclude levity, it may be understood of Assertions as well as Promises, that men do not affirm and deny the same thing and so be off and on their sayings, as flatterers, Credulous, Superficial, Phantastical Persons use to do. As for that which is conceived, that it should be read, *least ye fall into Hypocrisie*, or *deceiving* or *falshood*, it depends upon the reading which is with addition of the Prepolition εἰς, which I deny not to be in some Copies, yet commonly it is not so read, nor is it likely it should be so read, but that it should be read as we read, *lest ye fall into* εἰς *condemnation*, or *Judgement* in the sense of those words which are used, *verse* 9. *lest ye be Condemned*, and answerably to the threatning of the third Command, as *Beza* observes: Nor is the other Reading and Exposition likely, for neither is it proved, that Hypocrisie is put for Falshood in not keeping Promise, neither of the places *Job* 34. 30. *Mat.* 24. 51. do prove it, nor can it be the sense.

For 1. the *falling into* notes and evil of suffering consequent upon their swearing, not an evil of sin in their swearing. 2. The prohibition is not fitted to that sense, it should not have been [*swear not*] but [*swear with an honest mind*] which occasions me

me to conceive, that if the words [*let your yea be yea and your nay nay*] had the sense onely which *Grotius* gives, (*let your deeds answer your promises*) the Apostles prohibition which is directly opposite thereto, should not have been (*swear not*) but (*swear warily, considerately, promise wisely*) lastly were the sense granted, which *Grotius* gives, yet it might be understood of assertory as well or better then of promissory oaths; sith there may be hypocrisy that is fallacy or falsehood, or dissembling in assertory as well (if not more properly) as in promissory oaths. Lect. 7.

As for the uncertainty of the event which *Grotius* makes a reason of not making a promissory Oath in such a matter, sith all mens actions are contingent, which depend on mans will or Gods providence, if it be a sufficient reason to forbid some promissory Oaths, it is also to forbid all; yea and all promises without Oath, and so would take away all humane contracts. Nor is the uncertainty of the thing in the event that which should deter a person from swearing, but from swearing unwarily; nor is a person perjured, or deceitful, because in the event his Oath or Promise is not fulfilled, but because either he meant not when he made it to fulfill it, or doth not remember it, and endeavour to accomplish it.

Upon Consideration of what I meet with in other Authors I stick to what I Printed in my *serious consideration of the Oath of the Kings Supremacy, p.* 15, 17. I conceive, that the prohibition is of frequent, Vain, Light, Profane, Unnecessary, Customary, Passionate swearing, or in secular matters of no importance without any dread of an Oath, or consideration of the holines of God, upon a provocation to anger as *David*, 1 *Sam.* 25. 21. or as the 39*th.* Article of the Church of *England* expresseth it of *vain and rash swearing* which I gather from the Text. 1. In that he prescribeth their *yea, yea, nay, nay*, to be in *their Speech* or *Communication*, which seems to be meant of their familiar Speech one with another in their Answers to each other. 2. Because *James* saying, *let your yea be yea, and your nay nay*, doth exclude inconstancy and lightnes, and prescribes such consideratenes, as that they give no occasion to be distrusted or disbelieved, nor need to unsay what they have said, that to use the Apostles words 2 *Cor.* 1. 18. our words *may not be yea and nay*, off and on, but *yea and Amen*, that is not affirming and denying the same thing, but constant

Sect. 7. ſtant and firm, ſo as that in aſſertions and promiſes we be the ſame we were, and things, intentions and deeds anſwer to words, as it becomes men, that conſider what they ſay, and ſtill ſay the ſame. To which I may add, that thoſe words, *let your Communication be yea, yea, nay, nay*, ſeem to exclude Polylogy or much ſpeaking, condemned, *Prov.* 20. 19. *Eccles.* 5. 2. *James* 1. 19. For *whatſoever is more then theſe*, that is more then plain and ſhort affirming or denying by unneceſſary multiplying of words, *cometh of evil*, or *the evil one*.

And perhaps, if that obſervation of Sr. *Norton Knatchbull* in his *Animadverſions on the Books of the New Teſtament* on *Mat.* 5. 39. that μὴ ὀμόσαι ὅλως in the Infinitive Mood, *not to ſwear at all* is put for μὴ θέλετε ὀμόσαι *be not willing to ſwear at all according to an ordinary Elliptſis when the Infinitive is put for the Imperative by underſtanding* [*be willing, remember thou* or *ſuch like*] as he conceives in that 39th v. *not to reſiſt evil* to be in ſtead of *be not willing to reſiſt evil, or remember not to reſiſt evil*, there ſeems to be a prohibition not of all ſwearing univerſally in Chriſts words, but of voluntary, and unneceſſary Oaths which for this and other reaſons ſeems to be Chriſts meaning. I think it convenient to add ſome words of the Learned Dr. *Henry Hammond* in his *Practical Catechiſme lib.* 2. *ſect.* 8. In Anſwer to the Queſtion, *are no kinds of Oaths lawful now to a Chriſtian?* he ſaith, *That you may diſcern this matter clearly and diſtinctly, you muſt mark two circumſtances in our Saviours ſpeech.* 1. *That Phraſe v.* 37. [*but let your communication*, &c.] *from whence one univerſal Rule you may take, that to ſwear in ordinary communication, or diſcourſe or converſation is utterly unlawful.* 2. *You may apply our Saviours prohibition to the particular matter of Moſes his Law aforementioned and that was of promiſſory* (*not aſſertory*) *Oaths; and then adding to that the importance of the word* [*ſwear*] *as it differs from adjuration, or being ſworn, taking an Oath adminiſtred by thoſe who are in Authority, you have then a ſecond rule, that all voluntary, but eſpecially promiſſory Oaths, are utterly unlawful now for a Chriſtian. I mean by voluntary Oaths thoſe, that no other impellent but my ſelf, or my own worldly gain or intereſt extort from me: for of theſe you muſt reſolve, that if my Oath be not either for the glory of God* (*as S. Pauls Oath, Rom.* 1. 9. *Gal.* 1. 18. &c. *which were to ſtand upon record to poſterity, and to confirm the Truth of God, being in his Epiſtles, whereas in all the ſtory of his converſation in the Acts we never find that he did ſwear*) *or for the good of my neighbour* (*wherein*

Lect. 7.

(wherein generally I as a private man am not to be Judge, but to submit to the judgment of the Magistrate legally calling me to testifie my Conscience, or to enter into some Oath for the good and peace of the Publick) or some such Publick consideration, but onely for my own interest &c. it is utterly unlawful. And for the positive precept in the close Mat. 5. 37. [but let your communication be yea yea, nay nay] it is not as I expounded Saint James [let your yea be yea &c.] i. e. let your promises and performances be answerable to one another, there is difference betwixt the Phrases, let your yea be yea signifies that, (as on the other side, yea and nay, signifies levity 2 Cor. 1. 19.) But let your communication be yea yea, is this, in ordinary discourse you may use an affirmation (that is one yea) and if occasion require an asseveration (that is another yea,) and so again a negation and a Phrase of some vehemence (as a redoubling) to confirm it (that is nay nay): and this will serve as a good useful means to prevent the use of swearing, by assigning to that purpose some such asseveration as will serve as well, and therefore Christ doth not onely forbid any more then this, but in a manner direct to the use of this, as that which will help us to perform his precept and by [whatsoever is more then these cometh of evil] is meant, either that it cometh from the evil one Satan, who makes men unapt to believe without oaths, that so he may make the free use of them more necessary: or from evil, i. e. that great kind of evil among men, the breaking of promises, from whence this custome of adding Oaths proceeds. By which is also intimated, that Oaths by Christ are here forbidden, not as things in themselves evil, but as things which are not to be used but in affairs of special moment, a reverence being due to them, which are therefore not to be made too cheap. Dr. Lightfoot *Harmony of the new Testament, part. 1 sect. 28. The Law had forbidden forswearing or swearing falsely, thereupon the Jews had made bold to take liberty of vain swearing at pleasure, so that, what they swore were not false, as see, Tal. and Maym. in Shevnoth.* And for the words *Jam.* 5. 12. I think meet to translate the words of the Reverend and Learned Dr. *Sanderson* now Bishop of *Lincoln de Juram. promiss. prælect. 7. sect. 11. The use of an oath in daily Speech is not lawful, as is proved from the cause whence such Oaths flow. Which is either a vitious habit gotten by long use and most evil custome. Which sort of habit is the fruit and token of a profane heart, and wel-nigh Atheistical: or some unbridled perturbation of mind, as of impotent anger, or intemperate mirth; with which while minds are hote they easily come out to the reproach of God. To which me thinks those words of James ch. 5. v. 12. have as it were peculiarly*

Lect. 7. *culiarly respect. Before all things saith he, swear not, neither by Heaven, neither by Earth, &c. He had forsooth exhorted believers to bear patiently injuries in some verses immediately foregoing: and in the following verse teacheth with what things it becomes a Christian man to exercise himself, whether he grieve or be merry. A place truly worthy, in the explication of which learned men should exercise themselves, and the scope and force of which by the series of the words may be somewhat more accurately found out, then hath been done by Interpreters. Some advantage to this thing may perhaps by the way be brought by this such as it is paraphrase of the words, as they seem to me to sound. Put before your eyes the Examples of the Old Prophets, and Pious men. If ye suffer any evil, follow their patience. If ye cannot reach that, yet at least before all things beware of that, which unles ye will be most negligent may most easily be prevented, that neither being too much impatient of grief, nor on the contrary too much let out to mirth, by rash swearing ye do any thing unworthy the Christian Name, and reproachful to the Majesty of God. But contain your selves whether more moved, or merry within the due bonds of modesty, nor do you mingle Heaven with Earth, nor fill all with clamours and swearing, but with a calm mind if any thing be to be affirmed, affirm it nakedly and simply, if any thing be to be denyed, deny it nakedly and simply. But further if any more vehement force of mind on either part that suffers not it self to be shut up within the streights of the breast, but seeks some way to get out, gall you, it will be your prudence to turn that heat of mind to the honour of God. Ye will aske me with what art at last may we do it? I will tell you. Is any of you vexed in mind? Let him not out of impatience straight break out in oaths and blasphemies, which they that boyle with anger are prone to: but let him rather pray and intreat God, that he may give him patience till those evils be taken away, on the contrary is any of a merry and chearful mind? neither so, as the manner of drunkards is let him loose his mouth in oaths: but rather sing Hymns and Psalms in the praise of God, who hath granted him so merry dayes.* According to this paraphase, which seemed not improbable to that learned man, the prohibition is not of swearing any way, but in such a passionate, or profane way as men vexed or over-merry use to do it, of which this age yeldes too much experience.

But saith *S. F. in his Antidote p.* 64. *If Christ forbid to swear commonly, ordinarily, frequently, that swearing before Magistrates that is in our Courts is forbidden as well as any other sorts of common, frequent,*

frequent, light and trivial ſwearing; for ſwearing is a thing uſed there as commonly, as ordinarily, as frequently as any thing elſe, or as it ſelf is in any other places. Lect. 7.

To which I reply, though I cannot take on me to juſtify all the adjurations or ſwearings that are ſometimes practiſed in our Courts, yet againſt this Scoptical Cavil rather then objection I ſay. 1. The Oaths that are taken in them are not by the ſame perſons, or not in the ſame thing uſually. 2. That they are impoſed by Law, not voluntary. 3. That they are neceſſary for judicial proceedings, without which right cannot be maintained, and ſo are not of that ſort of common ſwearing which we ſay Chriſt forbids.

§. 12 The Argument of *S. F.* againſt this limitation is anſwered, then Chriſt ſhould not add to the Law.

But S. F. doth further argue thus, in his *Antidote p.* 51. 2. *It's moſt evident that Chriſt probibits ſomewhat more here then was forbidden under the Law; Therefore it muſt be either all Swearing at all, or elſe none at all; either all ſuch ſwearing as was lawfully uſed and allowed as a type for a time in the Law, Oaths made lawfully and acceptably to God, or elſe nothing more at all then what was forbidden in the Law: For all falſe ſwearing and forſwearing, or breaking Solemn Oaths made (as unto God) was forbidden in and by the Law, ſee Num. 30. 2. (the place which Chriſt ſeems to allude to) therefore here ſwearing it ſelf or nothing, Mat. 5. ye have heard it ſaid by them of old time, not of late by the Scribes and Phariſees onely putting their falſe gloſſes on the Law, but of old by Moſes and the Law, thou ſhalt not forſwear thy ſelf, but ſhalt perform to the Lord thine Oaths: But I ſay, ſwear not at all, no not by any Oath at all: note the oppoſition in that adverſative particle [but] which is between the old, lawful, legal ſwearing, and no ſwearing at all; not between no ſwearing, and ſuch prophane ſwearing as was unlawful under the Law The ſum is thus; the Law ſaid, break no oaths; but I ſay, take none: For if he intends no more in theſe phraſes, ſwear not at all, not by any oath, &c. then thus: ſwear not vainly, profanely, ordinarily, exorbitantly, extravagantly in your common communication, forſwear not your ſelves, what forbids he more then the Law forbad? Which Law he came not to deſtroy, but to fulfil, by taking away the ceremony of ſwearing, and eſtabliſhing the ſubſtance in it's ſtead, which is, ſpeaking the truth, as in the ſight of God from the heart: yea what ſaies he more to his Diſciples elſe, then the Scribes and Phariſees from the Law to their's? For they ſaid, ſwear not profanely, exorbitantly, but by God onely; ſwear not falſely, forſwear not;*

Lect. 7.

not; swear and perform to the Lord thy Oaths; they were as touching that righteousnes which was in the Law blameleſſe; therefore Christ sayes more to his Disciples, and that must be, as tis in expreſſe terms, swear no Oath at all; otherwise how could their Righteousnes exceed that of the Scribes and Pharisees, which except it did, they could in no case enter the Kingdom. The Perfection and Righteousnes of the Law, therefore in this point of swearing was not forswearing, the perfection and righteousneſſe of the Gospel in the same is not swearing at all: so the Gospel exceeds the Law in every point; the Law sayes, kill not; the wisdome of the Gospel, be not angry; the Law, commit not Adultery; the wisdome it self in the Gospel, look not on a Woman, lust not; the Law, love thy Neighbour, hate thine Enemy (for the Jew that was of the Law, might spoile the Gentiles their enemies, but must lend to each other) the wisdome, love Enemies: which thing, though it might be spoken in the time of the Law, yet t'was the wisdome and the spirit spoke it, and not the law, which allowed the Israelite to spoile the Ægyptian and the Amalakite; he was to help his enemies Ox or Asse under a burden, i. e. If he were belonging to a Jew, that personally hated him, and not an Amalakite, one of the curſed race. The Law said, an eye for an eye, a tooth for a tooth; the Gospel resist not evil; but put up, passe by, bear; in all points the word of the Wisdome went beyond the Law, also in this of Swearing; yet it did not, if now there be any Swearing at all.

Answ. This Argument rests on two positions. 1. *Christ prohibits somewhat more here then was forbidden under the Law.* 2. *Unleſſe all swearing be forbidden there is nothing here forbidden, which was not forbidden under the Law.* The first of these is a point in controversy between the Papists, who hold that *Christ did add to the Law Evangelical Counsels, upon which they ground their Doctrine of works of supererogation,* and the Protestants. though there are some Protestants, who *make Christ to have added more to the Law, yet make them not onely Counsels of perfection, which to do is to do better, but also commands which not to do is a sin. S. F.* hath thought good to heap together some of those things, which *Maldonat* the Jesuite hath in his *Comment.* on *Matth.* 5: and are answered by *David Parens Comment.* on *Matth.* 5. 21. and some which either from himself or other Authors he hath put together. I shall examine what he saith here.

Lect. 7.

The first Argument is taken from Christs words, *Mat* 5. 33. that *he speaks of what was said by them of old time, therefore not by the Scribes and Pharisees, but by Moses and the Law, and he opposeth his saying to their saying, therefore he added this to the Law, not to swear at all.*

To this it is answered. 1. That the reading is better, *ye have heard it hath been said to the ancients*, that is to the Fathers, not *by the ancients* because when Christ saith, I *say to you*, it is in the Dative case. 2. That they of old may be, not the Fathers in *Moses* his time, but of later times termed *Elders*, *Matth.* 15. 2, 3. that the persons heard it of the *Scribes* and *Pharisees*. But it will be said, *however that which the Scribes and Pharisees said, was spoken to them of old time, to wit the Fathers by Moses in the Law, as the Allegation* Mat. 5. 33. *is from Num.* 30. 2.

To which I reply, that it cannot be so meant of that which is alleged by Christ, *Matth.* 5. 21. 42. for the Law no where bids *hate our Enemy*, or saith *that he that killeth is in danger of the judgement*: yea the contrary is commanded *Exod.* 23. 4, 5. *If thou meet thine Enemies Oxe or his Asse going astray, thou shalt surely bring it back to him again, if thou see the Asse of him that hateth thee lying under it's burden, and wouldest forbear to help him, thou shalt surely help with him, Prov.* 25. 21, 22. *If thine enemy be hungry give him bread to eat, and if he be thirsty give him water to drink, For thou shalt heap coals of fire upon his head, and the Lord shall reward thee.* That which is here brought to avoid these instances out of *Exod.* 34. 11, 12. *Deut.* 7. 1. &c. *Exod.* 11. 35, 36. *Exod.* 17. 16. is not sufficient to prove what was said, *thou shalt hate thine Enemy* was delivered by *Moses* in the Law: For it is manifest that the *Jews* understood it of all Gentiles, and therefore *let him be to thee as a Heathen*, is as much as let him be to thee as a hated person with whom thou wilt not converse. Besides as they understood by their neighbour *whom they were to love*, him that was their peculiar neighbour in amity with them, so by their enemy was meant not the common enemy of the Jewish Nation, but their peculiar enemies, and if Christ had bid them *love, and pray for and bless their Enemies*, contrary to the saying of old, he should according to this restrict on have bidden them pray for, bless, and love those Nations, whereas he extends it to all that de-

pitefully use us of what Nation soever they were. Yea
Lect. 7. whereas it is alleged, that the precept of helping the enemy *Exod.* 23. 4. is limited to those of their Nation, because of the direction to help, and reduce that which is a Brothers nigh or far off, *Deut.* 22. 1, 2, 3, 4. this doth confirm, that the enemy whom the Law *Exod.* 23. 45. bound to help was a Brother, not a stranger, and therefore it must needs be contrary to the Law to bid hate their enemies, by whom brethren are meant. The *Ægyptians* it is certain God never bid them hate, nor doth the Law expressly bid them hate the 7. Nations, though he forbids leagues and marriages with them. Therefore it cannot be said, that God did in the Law command the Jews to hate their enemies, if he did, *Solomon* and our Lord Christ had given expresse precepts contrary to the Law, which is not to be granted. And therefore the allegation *Mat.* 5. 43. as in the former it is defective, and not as it is in the law; so in the other part is not at all in the Law, but is either a tradition of the Elders, or a corrupt glosse of *Scribes* and *Pharisees* imputed to the Law, or the ancients by them: and so it cannot be proved by the words, *Mat.* 5. 33. *it is said by them of old*, that the allegation was out of the Law, or if it were, yet it was with the glosse, and in the sense of the *Scribes* and *Pharisees*, and so proves not, that Christ added to the Law, *v.* 34. but vindicated it from the *Pharisees* corruptions.

But perhaps it will be said, that *if Christ did forbid no more then unnecessary common profane swearing in conference, the Scribes and Pharisees taught as much as Christ, for they taught, swear not prophanely, exorbitantly, but by God onely, swear not falsely, forswear not, Swear and perform thy Oaths to the Law.*

To this I reply, that the *Scribes* and *Pharisees* did not *teach swearing by God onely, nor against breaking some Oaths*, is manifest by our Saviours charge of them, *Matth.* 23. 16. 18. as counting *him no debtour, who should swear by the Temple or Altar*, and by their not understanding, that when they sware by the Heaven, the Earth, the Temple, the Head, *Jerusalem*, the Altar, the Gift, they sware by God, *v.* 21, 22. which may be also gathered from *Matth.* 5. 34, 35, 36. and it may be easily conjectured that then they sware prophanely and frequently, and vainly. And by their use of *Corban* condemned

demned, *Mark* 7. 11. (which *Ludovicus Capellus* in his *Diatribe* of that thing proves was an Oath, and *Josephus* against *Appion* mentions as a *Jewish* oath) it appears that they did allow passionate swearing. And therefore if Christ did forbid breaking some oaths, swearing by Creatures, or Common, Profane, Vain, Passionate swearing he did add to what the Scribes and Pharisees taught, though not to what *Moses* and the Law taught. *Lect.* 7.

But it is said, *The Pharisees were touching the Righteousnesse, which was in the Law blameleſſe, and therefore did expound the Law as it was to be understood: And if Christ did forbid his Disciples no more then the Law, how could he tell them, that except their Righteousnesse did exceed the Righteousnesse of the Scribes and Pharisees, they should not enter into the Kingdom of Heaven?*

To which I Reply, that when *Paul* saith, that *he was touching the Righteousnesse which is in the Law blameleſſe*, *Phil.* 3. 6. This cannot be true of unblameableneſſe before God, but before men, and in his own apprehension; out of ignorance of the Law, as he shews, *Rom.* 7. 7, 8, 9, 10, 11. and by reason of the mistakes of Pharisaical Doctors concerning the meaning of the Law. The Pharisees are taxed by Christ, *to say and not do*, Mat. 23. 3. to be *clean outwardly not inwardly*, *to observe the lesser, and to omit the weightier matters of the Law*, *to appear Righteous unto men, but within to be full of Hypocrisie and Iniquity*, verse 23. 25. 27. *to reject the Commands of God for their Traditions*, *Mark* 7. 7, 8, 9. and therefore undoubtedly did not perform the Law as it was, but as they mis-understood it, and therefore the Disciples Righteousneſſe might exceed that of the *Scribes* and *Pharisees*, though they did not conceive Christ to forbid all swearing. Yea this is a good Argument to prove that Christ meant not to add to the Law more perfect precepts, but to vindicate it from the corrupt glosses of the *Pharisees*, because he doth not tell his Disciples, that *their Righteousnesse must exceed* the Righteousneſſe of the Law, but *of the Scribes and Pharisees*, *Mat.* 5. 20. by Reason of their mis-understanding it, as if it required onely the outward Act of Righteousnes, and no more then the words precisely required.

To which may be added, that *the Law* is said to *be perfect*, *Psal.* 19 8. and he *that doth it shall live in it*, *Levit.* 18. 5.

Lect. 7.

2. A second Argument is taken from the words of Christ, *that he came not to destroy the Law, but to fulfil it*, Mat. 5. 17. Or as a Learned man renders it [*perfect it*] *The Greek word* (saith he) *which we render* [*perfect*] *is answerable to an Hebrew, which signifies not onely to perform, but to perfect, to fill up, as well as to fulfil. And the Greek it self is so used in like manner, when it refers to a word or a prophesie, then 'tis to perform to fulfil,* 2 Chron. 36. 22. 1 Mac. 2. 55. *In other Cases it is to fill up, to Compleat, to Perfect,* Eccles. 33. 16 & 39. 12. and 2 Chron. 24. 10. *And that tis so in this place, may appear by the ancient Greek Fathers, which expresse it by two similitudes.*

1. *Of a Vessel that had some Water in it, but now is filled up to the brim.*

2. *Of a Picture that is first drawn rudely, the limbs onely and lineaments, with a cole or the like. But when the hand of the Painter comes to draw it in Colours to the life, then tis said to be filled up.*

2: *That except your Righteousnesse,* i. e. *Christian Actions and Performances, exceed the Righteousnesse of the Scribes and Pharisees peculiarly, as those that were the greatest evacuators of the Law by their own Hypocritical Practises or false glosses in some particulars; but the Pharisees as the most exact sect among the Jews,* Acts 26. 5. *and the Scribes, as the Doctors of the Law, and those that knew better what belonged to it then other men; and both together those that sat in* Moses *Chair, and taught there truly* (*though they practised not* [*they say but do not*]) *the Doctrine of the* Mosaical *Law in that manner, as others were obliged to perform it,* Mat. 23. 2. *This same truth is also further proved in the remainder of this Chapter, by induction of several particulars of the law, first barely set down by Christ, and then with Christs improvement added to them in this form of speech, but I say unto you. The new Commandements in this Chapter are six.*

1. *Concerning Killing.* 2. *Adultery.* 3. *Divorce.* 4. *Perjury.* 5. *Retaliation.* 6. *Loving of our Neighbour. Elsewhere, Christ hath improved the eighth Commandement into doing unto others all things, which we desire should be done to us by them,* Mat. 7. 12. the 5th. *into not judging,* v. 1. *the* 10th. *into taking no thought,* Mat 6. 25. &c. S. F. here, *that of not forswearing into swear not at all.*

To this I answer, 1. That in none of the places, 2 *Chron.* 24. 10.

24. 10. Where *the Cheſt or Bag is ſaid to be filled with Money*, nor *Eccleſ.* 33. 16, Where *the preſſe is ſaid to be filled with grapes*, nor *Eccle.* 39. 12. *Where a perſon is ſaid to be filled as the full Moon*, is the ſenſe given by the Doctor in his *Practical Catechiſm*, l. 2 *ſect.* 3. *for perfecting the law by addition of new Commandements.* *Lect.* 7.

2. Nor do the Fathers ſimilitudes prove it, ſith the filling may be by giving the full ſenſe of the old law, as well as by adding new precepts.

3. The *Scribes* and *Phariſees* did not *teach truly the Doctrine of the* Moſaical *Law in that manner as others were obliged to perform it*; Chriſt bids *beware of the leaven of their Doctrine*, Mat. 16. 12. he ſhews their falſe Doctrine in ſundry places about the Sabbath, *Mat.* 12. About Divorce, *Mat.* 19 About Oaths, *Mat.* 23. About relieving Parents, *Mark* 7. and other things, and therefore however *they were the exacteſt ſect among the Jews and Doctors of the Law*, yet they might and did not onely practiſe, but alſo teach the Law corruptly, and accordingly our Saviours ſcope in the Sermon on the Mount be to obviate their corrupt gloſſes, not to add new precepts to the Law.

4. The words *Mat.* 5. 18, 19. do lead us to conceive, that he meant by [*fulfilling the Law*] not onely accompliſhing the Types, and performing the Duties of the Law, but alſo reſtoring the full meaning of the Law againſt corrupt Teachers, ſuch as the Apoſtle ſpeaks of 1 *Tim* 1 7. and Chriſt, *Luke* 11. 52.

5. *The induction of particulars of the* Law proves not addition of new precepts. Anger, contempt are often forbidden, *Prov.* 14. 17. 21. & 16. 32. & 21. 4. 24. *Eccleſ.* 7. 9. *Looking on a Woman to luſt after her*, Job 31. 1. Divorce unles for Fornication, *Gen.* 2. 24. *Mat.* 19. 5. 8, 9. *Mal.* 2. 16. profane Swearing, *Levit.* 19. 12. *Revenge*, v. 18. *Deut.* 32. 35. *Rom.* 12. 19. hating enemies, *Prov.* 25. 21. partial dealing is contrary *to the Law and Prophets*, *Mat.* 7. 12. raſh Judging, contrary to the Law, *James* 2. 8, 9. & 4. 11. Coveting, *Exod.* 20. 17. *Rom.* 7. 7. *taking thought*, *Pſalm.* 55. 22.

6. If Chriſt came to take away all Swearing, he came to deſtroy the Law in which it is commanded, *Exod.* 20. 7. *Deut.* 6. 13. & 10. 20. *Jerem.* 4. 1, 2. And thereby occaſion given to the *Manichees* to hold the God of the old different from

Lect. 7. from the God of the New Teſtament, which moved *Auguſtin Contra Fauſtum Manichæum*, l. 19. c. 28. to refute the Opinion of Chriſts adding new precepts, and to prove all the ſuppoſed new precepts to be in the old Teſtament. The conceit of *S. F. about ſwearing being a Type* is refuted before, and is ſo vain that it hath not a ſhew of proof for it: and ſo this Argument, and what I find material againſt the lawfulneſſe of Swearing is anſwered.

The uſe of all is 1. for quieting mens Conſciences about the Lawfulneſſe of neceſſary oaths. 2. To admoniſh men that they uſe oaths for the right end, and not for the inſnaring of mens Conſciences, or damnifying their eſtates.

All Swearing is to be in Truth.

EXOD. 20. 7. DEUT. 5. 11.

Thou ſhalt not take the Name of the Lord thy God in vain, for the Lord will not hold him guiltleſſe that taketh his Name in vain.

Lect. 8. *Of Swearing in Truth.*

§. 1. All Oaths muſt be in truth.

HAving conſidered the lawfulneſſe of Swearing in it ſelf, we are next to conſider the manner of Swearing or taking of an Oath. The lawful manner or conditions of ſwearing Divines uſually take from *Jerem.* 4. 2. where the Prophet exhorting the Iſraelites to return from the ſervice of *Baal*, and other Idols ſpeaks to them thus, v. 1. *If thou wilt return O Iſrael, ſaith the Lord, return unto me: and if thou wilt put away thine abominations out of my ſight, then thou ſhalt not remove*, and then adds v. 2. *And thou ſhalt ſwear, the Lord liveth in truth, in judgement and in righteouſneſſe.* Whence *Artic.* 39. of the Church of *England*, the *Roman Catechiſme*, *Hierom* on *Jer.* 4. 2. and generally both Ancient and Modern Divines make three conditions of lawful Swearing, that the Oath be firſt in Truth. 2. In Judgement. 3. In Righteouſneſſe;

I ſhall tread in their ſteps, beginning with the firſt condition. *All Oaths muſt be made in truth*, elſe they are plainly contrary to the command, which forbids any *to take Gods Name* לשוא *with a lye.* For as it ſignifies *in vain*, ſo *falſely*: that which is *Exod.* 20. 16. עד שקר *falſe witneſſe* ψευδομαρτυρίαν *Mark* 10. 19. *Rom.* 13. 9. is *Deut.* 5. 18. שוא עד *Levit.* 19. 12. God forbids *to ſwear* לשקר *falſly*, the Greek ἐπ' ἀδίκῳ *unjuſtly*, or *in an unjuſt thing.* The ſame word is uſed, 1 *Sam.* 25. 21. where our Tranſlators turn it, *In vain have I kept all that this fellow hath in the wilderneſſe*, in the Greek it is ἀδίκου *for an unjuſt man.* But by comparing theſe places it appears that as *Exod* 20. 7. is and may be well rendred *in vain*, ſo it may be and muſt be underſtood to forbid a falſe Oath, and it is not improbable, which is obſerved by learned men, that Chriſt when he ſaith *Mat.* 12. 36. πᾶν ῥῆμα ἀργὸν which we tranſlate, *every idle word*, anſwers to לשוא and לשקר tranſlated *in vain* and *falſly*, and that there it notes not onely a ſpeech which is of no uſe, but alſo a falſe ſpeech, it being occaſioned by and applied to that falſe ſpeech, which is v. 24. *He caſteth out Devils by the Prince of Devils*, *Pſal.* 24. 4. it is a condition of him that ſhall *ſtand in Gods holy place*, that he be one *that hath not lift up his ſoul unto vanity*, Hebr. לא נשא שוא in *Greek* ὃς οὐκ ἔλαβεν ἐπιθυμίαν τὴν ψυχὴν αὐτοῦ there is a reading in the Hebrew margin, נפשי *my ſoul*, which ſhould therefore ſignifie, *who hath not taken my ſoul in vain in ſwearing by me*, as God is ſaid to *ſwear by himſelf*, *Jer.* 51. 14. *Amos* 6. 8. in Hebrew *by his ſoul*, that is his life, or if it be read [*his ſoul*] it may be meant of ſwearing, it being the ſame verb which is uſed *Exod.* 20. 7. alluding as it is conceived to the lifting up the hand in ſwearing, and the form like thoſe, 1 *Sam.* 17. 55. & 20. 3. 2 *Kings* 22. 4. 6. 2 *Cor.* 1. 23. expounded by the *Chaldee* paraphraſt, *which hath not ſworn in vain to the condemnation of his ſoul*, that is, who hath not ſworn by Gods life, or his own, or againſt his own ſoul in vain, or falſely, which is confirmed by that which follows in the ſame verſe, nor ſworn למרמה in *Greek* οὐδὲ ὤμοσεν τοῦ πλησίον αὐτοῦ, which the common verſion in the Liturgy reads, *nor ſworn to deceive his neighbour*, adding (*neighbour*) which is not in the Hebrew: which in like manner is done in the parallel place, *Pſal.* 15. 4. though there it is not unlikely the Greek did read in ſtead of רע *evil* רע *a neighbor.*

Lect. 8.

Lect. 8.

However it is apparent in both places falſe and deceitful ſwearing is made a bar againſt aſcending or dwelling in Gods Holy Hill, or abiding in his Tabernacle, or ſtanding in his holy Place. The reaſon hereof, is becauſe God is *the God of Truth, Iſa.* 65. 16 *who deſires truth in the inward parts, Pſal.* 51. 6. excluding all lovers and makers of lyes out of his heavenly City, *Rev.* 21. 27. and 22. 15. and aſſigning *their portion in the lake that burns with fire and brimſtone, Rev.* 21. 8. and therefore looks that all ſpeech, much more all ſwearing by him, ſhould be done in truth.

§. 2. Both Logick and Moral Truth is to be in all Oaths.

Now truth in Speeches is either Logical, when the words and the thing ſpoken agree together, or Moral, when the heart, that is the Thoughts and Intentions agree together with the words. Both wayes all Swearing muſt be in Truth. For as *falſe ſwearing* is forbidden, *Levit.* 19. 12. ſo *deceitful ſwearing* is alſo forbidden, *Pſalm.* 24. 4. And both ſorts of Truth, are to be in all ſorts of oaths, as in Aſſertory and in promiſſory. In Aſſertory oaths there muſt be Logick Truth, that is a man muſt not ſwear that to be ſo, which is not ſo indeed, nor deny that to be ſo as he ſwears, which is ſo: for in ſuch Swearing there is not an Agreement between the words and the thing ſpoken. And there muſt be Moral Truth too: that is, he that Swears a thing to be ſo or not ſo, ſhould not Swear it to be ſo or not ſo, unleſſe he know it to be ſo or not: he muſt not relie on Conjectures, Rumors, or Probabilities, and venture on them to ſwear it to be ſo, but upon plain knowledge. If he onely believe it to be ſo or not ſo, if he be heſitant in his knowledge by reaſon of the weakneſſe of Memory, or other Cauſes, he muſt not ſwear as if he were out of doubt concerning what he ſaith. For that is a falſe oath in the ſight of God, though not of men, which a man takes, when though the thing be ſo as he ſwears, yet unwitting to him, he not knowing it to be ſo, or perhaps doubting whether it be ſo or not. For in this Caſe his mind did not reſpect Truth: it was by accident to him that it was ſo as he ſaid.

In Promiſſory oaths there muſt be a double Truth, 1. Logical, that is that the promiſe and purpoſe agree together, and not as he in *Euripides* his *Hippolytus*, who ſaid, *his tongue had ſworn, but his mind was unſworn.* I call this Logick Truth, in Promiſſory oaths, becauſe then when a man promiſeth there

there is no determinate Truth, but of the perſons will or purpoſe, which the promiſer ſaith he hath. Of the thing it ſelf there is not then any determinate verity, ſith it is a future contingent, *of which*, ſay Logicians, *there is no determinate Truth.* But the purpoſe of the will is a thing preſent, and of determinate Truth or falſhood, and that is it which is averred in a Promiſſory oath, no man can ſwear that a thing ſhall be in event, God onely may do ſo, to whom things to come are as certain as preſent things, or he to whom the purpoſe of God is made known, as *David* might ſwear to *Bathſheba*, that *Solomon* her Son ſhould Reign after *David*, 1 *Kings* 1 30. becauſe God had fore told it, 1 *Chron.* 22. 9, 10. In other caſes a man cannot ſwear with Logick truth concerning the thing promiſed, but onely concerning his own purpoſe and intention. 2. There muſt be alſo Moral Truth that is ſimplicity without any deceit or fraud, or diſſembling to ſerve their own turns and to delude him to whom we promiſe: ſuch as was in thoſe *Roman* Captives to *Hannibal* in *Gellius Noct. Attic.* l. 7. c. 18. who having ſworn to *Hannibal*, that if the *Romans* would not exchange Captives they would return to his Camp, eluded their Oath by going firſt out, and then ſtepping aſide into the Camp, as if they came by chance, or as that General, who, having made truce for ſo many dayes, did invade the enemy by night: But as *Attilius Regulus* the *Roman* Conſul, who being taken Priſoner by the General of the *Carthaginians* was let go to *Rome* upon his Oath of returning to *Carthage*, if the *Romans* would not releaſe ſome of their Captives in Exchange, did not onely diſſwade from the exchange as being hurtful to the Common-wealth, but alſo was reſolute to return as a Captive, though he knew the *Carthaginians* would, as they did, by grievous torments put him to death. *Lect.* 8.

Though at this day *Romaniſts* are infamous for breaking Faith, none being more corrupt then Popes and Papiſts in making fraudulent Leagues, and taking deceitful Oaths, yet then the *Roman* Infidels were ſo renowned for keeping Faith, that they condemned the Captives of *Hannibal* as baſe perjured perſons, but magnified *Regulus* as a moſt noble-ſpirited man and a mirrour of fidelity, as may be ſeen in *Tully*, l. 3. *de Officiis* in the chapter *of Fortitude*, where he ſaith truly. *Fraud doth bind the ſwearers perjury faſter on, doth not looſe it.* Oaths are, as I ſaid before, εἰς βεβαίωσιν *for confirmation* of

Lect. 8.

the truth of the ſpeech, and the faith of the ſpeaker and of him to whom, and for whom the oath is made. Now if frauds, deceits and ſimulations be uſed in them there will be no confirming of the truth, or credit of the Perſon ſpeaking, or of the futurity of the thing promiſed, or of the faith of the perſon to whom we ſwear: but ſwearing will be onely a bait to make credulous perſons confident and thereby to intrap them, and to make perſons for the time to come perpetually diſtruſtful of one another, then which there is ſcarſe any thing more pernitious to humane ſociety, as taking away all ſecurity in mens words, which muſt make jars and wars endleſſe. And therefore no invention more deviliſh then the deviſe of æquivocations and mental Reſervations in ſwearing, eſpecially in publick Contracts and Leagues and promiſes of one State or Prince to another, or to their own people.

Theſe ſorts of Truth as *Aquinas 2a. 2æ.* q. 89. *art.* 7. are neceſſary to the act of Swearing, there is neceſſary in a promiſſory oath alſo a further truth, which falls on the thing promiſed, that the perſon ſwearing continue his purpoſe, and endeavour to the utmoſt to accompliſh it. *An Oath* ſaith *Tully, l.* 3. *de Officiis* c. *de Fortitudine, is a Religious affirmation. Now what thou haſt promiſed affirmatively, as if God were witneſſe, muſt be kept.* Wherefore the Pſalmiſt, *Pſal.* 15. 4. makes it a condition requiſite of him that ſhall abide in Gods Tabernacle and dwell in Gods holy Hill, that if he ſwear to his neighbour, *though it be to evil, that is his own hurt, and dammage that he change not*, though if *he ſwear to the hurt of another to do him wrong he was not to recompenſe it*, as ſome conceive the words may be expounded. Unles a man do or endeavour to do what he hath ſworn, there wants truth to his Oath, all promiſſory oaths are to be kept except God diſpenſe with them, of which hereafter in the caſes of keeping oaths.

§ 3. Oaths are to be underſtood in the common acception of words.

It being determined, that there muſt be truth in all oaths, yet by reaſon of the ambiguity of words and the different apprehenſions of perſons concerning their meaning, it ſo falls out that the ſwearer, and others take the oaths in a different ſenſe, & perhaps the one thinks himſelf not perjured, when others think he is, hereupon a queſtion ariſeth in what ſenſe the Oath is to be taken.

To which I Anſwer. That there is difference to be put between Oaths impoſed and voluntary, Promiſſory and

Aſſertory:

Aſſertory; yet in all ſorts we may ſay, that they are to be underſtood according to the common ſenſe of the words, and if there be more ſenſes then according to that ſenſe, which the occaſion and paſſages at the time of taking the Oath lead us to conceive: and ſo others beſides the parties ſwearing and adjuring are to conſtrue them. And therefore that *Roman*, who ſware, that *Antiochus* ſhould have half the Ships, and then cut the Ships into two parts and ſo dividing them gave him half, did break his faith, no man underſtanding by half the Ships any other then ſo many of the Ships remaining Ships as were beſides left. *Martial* in the 6*th*. Book of his *Epigrams* taxeth *a man of perjury for ſwearing the hairs were his own, which were onely his, by buying them.* Nor was that reſolution right of the *Perſian* Prieſts, who (as *Herbert* in his *Travails* relates) told their King incenſed againſt a City and Swearing to make a Pillar of their heads, that his Oath was kept if he made a Pillar of the heads of their Oxen. For as *Tully* ſaith *l.* 3. *de Officiis c. de fortitudine not to do as is conceived in words after the cuſtom is perjury.* Nevertheleſs ſith it may fall out, that neither the common uſe of words, nor the occaſion, of an Oath, nor paſſages at ſwearing do cleare the meaning of Oaths, there is need that ſome more rules ſhould be ſet down about the Interpretation of them.

Lect. 8.

Jurat Capillos eſſe quos emit ſuos Fabulæ: nunquid ille Paulle pejerat.?

That which *Aquinas* ſaith 2*a*. 2*æ*. q. 89. *Art.* 7. is commonly received, *that when the intent of the Swearer and he, to whom the Oath is, are different, then if this difference come from the deceit of the Swearer it is to be underſtood according to the mind of him or them to whom the Oath is exhibited.* Which reſolution is taken out of *Iſidor l.* 2. *de ſummo bono c.* 31. where he ſaith, *with whatſoever art a man ſwears, yet God who is witneſſe of the Conſcience takes the words as he doth to whom the Oath is tendred.* Whence the old verſe, *Fallit jurantem juratio facta per artem, An Oath cunningly framed to deceive deceives the ſwearer.* For that man which will take advantage upon the words of it, is doubly guilty, both in that he takes Gods Name in vain, and alſo in that he circumvents another, that relies on his Oath, by deceit. But *if he that ſwears means plainly and not guilefully, his oath is to be interpreted according to his own intention:* whereto that of *Gregory* 26. of his *Morals* is alleged, *that mens ears judge our words ſuch as they ſound without, but Gods judgement hears our words without as they come from within.* But, when the words

Lect. 8. words are or may be of another ſignification, then either the taker, or the tenderer of the Oath doth mean, In this caſe it is by *Auguſtin* reſolved *Serm.* 28. *c.* 2. *de verbis Apoſtoli, ream linguam non facit niſi mens rea: it is not the words: but the guilty heart that makes the perjury:* which it ſeemeth he tranſlated out of *Ariſtotle Rhetor.* 1. *c.* 15. *forſwearing is of the heart, and not of the mouth onely.* *Ames* in his *Marrow of Divinity* the 2d. Book ch. 10th. ſect. 29. *The words of an oath are to be interpreted in the Court of Conſcience according to the meaning of him that ſwears: if he dealt ſimply and candidly: but if not according to his meaning, whom he would deceive, and to whom he ſware. But in the outer Court the words of ſwearers are to be taken as they are commonly underſtood.*

I ſay. 1. Aſſertory Oaths if impoſed are to be taken, and conſtrued to have been taken, according to the meaning of the impoſer, expreſſed by his words, if the words were plain ſo as to ſhew his meaning, and the ſwearer did or might underſtand that to be his meaning, who urged him to ſwear. The reaſon hereof is plain, becauſe otherwiſe the oath would not ſerve for the ending of the controverſie nor for the adminiſtration of juſtice aright.

2. Promiſſory Oaths impoſed are to be taken, and conſtrued to have been taken, and ſo to oblige according to the meaning of the impoſer, if the impoſer uſed no deceit, but uſed plain Expreſſions, which did or might ſhew his meaning to have been according as he expects performance. Otherwiſe the end of an oath, which is to give aſſurance of what a perſon will do, ſhould be avoided, and mere colluſion be in the ſwearer, and ſo Contracts eluded.

3. In caſe any ſhould impoſe an oath which hath ambiguous terms, and will not explain them, ſuch an oath ſhould not be taken, becauſe there is no certain truth, neither determinate affirmation or denial in ſuch ſwearing, nor can the oath give any aſſurance to him that requires the oath, nor can the ſwearer ſafely take it, but that he ſhall either inſnare himſelf, or be an occaſion to another by his example to inſnare himſelf. If the Law require ſuch an oath, and the immediate exactour have not power to interpret it, yet the perſon that is to ſwear ſhould have recourſe to ſuch, as the Law intruſts with the explication of Laws, to be ſatisfied therein. It is no right reſolution, which is charged on the

Scots

Scots Covenanters in the Declaration of the former King, that *they held an oath is to be underſtood according to the matter ſworn, and not according to the impoſers meaning.* Lect. 8.

4. Voluntary Oaths whether Aſſertory or Promiſſory are to be interpreted according to the mind of the ſwearer expreſſed by his words, and as the occaſion and circumſtances ſhew he muſt needs underſtand them, unles he did collude. But, if he do ſo, he offends againſt truth expreſſing one way and meaning another, in which caſe he is bound, if his Oath be promiſſory, to keep it as he to whom it is tendred took it. Elſe oaths would be but juggling tricks. Men muſt not play faſt and looſe in ſwearing. Of that kind of oath thus limited that gloſſe of the Canon Law is true, *It is manifeſt, that God doth not ſo take the oath as he to whom the oath is, but rather as he that ſweares underſtands it*, when the oath is voluntary, and without deceit.

§. 4. Oaths are to be interpreted according to the thing ſworn.

It is a queſtion, whether if a perſon anſwering upon Oath concerning a particular matter for ſuch a purpoſe anſwer according to the remote end and chief intent of the tenderer of the oath, though not according to the particular matter do ſwear in truth? *Ames* in his fourth *book of Conſcience*, ch. 22. gives this inſtance. *If there be two Cities, whereof the one is infected with the peſtilence, or ſuppoſed to be, the other free, and to prevent danger the free City enquire of every one of them that enter in by oath whether he be of the City infected, or ſuppoſed to be infected, whether he that is of the City infected or ſuppoſed to be infected, yet either knowing it not to be infected, or that he and his houſe are free ſo as no danger is to the free City by his entring, and ſo ſecures them in reſpect of the principal end of the propounders of the oath, if he deny upon oath that he is of that City, of which he is, ſwear truly?*

Ames anſwers and that truly, *negatively: he ſwears falſely that doth ſo ſwear: becauſe the queſtion is not of the chief end, but of the particular matter, and the queſtion with the negation make but one propoſition, which muſt needs be falſe, and conſequently the perſon ſo ſwearing perjured.* Biſhop *Morton Confut. of Equivocation*, c. 4. cites *Maldonat*, *Geneſius* and others to the ſame purpoſe, *and Azorius* the *Jeſuite* in his *Inſtit. Moral. lib.* 11. c. 4. q. 5. though in ſundry of his rules he allow equivocation or ambiguity of words to prevent diſcloſing of things, which a Prieſt hears in confeſſion, when a Judge unjuſtly asks concerning a crime ſecretly committed, or in ordinary converſe

Lect. 8. verſe when it is injurious to urge us to ſwear (wherein he reſolves very corruptly) yet ſaith, *Nothing can be ſo falſe, which may not be freed from all lying, if at our own choice we retain ſomething in our mind, and ſpeak contrary to the plain ſenſe of the words.* Yet *Emanuel Sa* the *Jeſuite*, *Aphoriſ. Confeſſ. tit. de Juram. aph.* 6. ſaith, *Some probably hold, that if a man ſwear, that which is falſe according to the words, but true according to the intent of him that requires the oath, it is no mortal ſin, as in time of peſtilence that thou comeſt not from ſuch a place, underſtanding in which is the Plague as he thinks, or that thou haſt not ſpoken with him, to wit what he ſuſpects: But it ſeems not very ſafe to him, neither would he allow it to be done, nor yet diſallow it when it is done:* where alſo he ſaith corruptly, *in like manner according to thoſe men you may ſwear to a Judge you did not, to wit as he thinks, and to him that compels thee to do what is not lawful or thou art not bound to, that thou wilt do it, to wit, if it be lawful, or if thou ſhalt be bound to it, and to him that extorts an oath unjuſtly, that thou knoweſt not, to wit ſo as that thou ſhouldeſt tell him. Laſtly when thou art not bound to ſwear according to the mind of him that requires thy oath thou maiſt ſwear according to thine own, which others deny ſaying, that words abſolutely falſe are not excuſed by that underſtanding of the mind. Both,* ſaith he, *are learned, both probably.* Thus corruptly do the Popiſh Caſuiſts, ſpecially the Jeſuites reſolve caſes of Conſcience, as if they would make all oaths, which heretofore were counted ſtrong bonds, to be as a rope of ſand, and ſo imitate thoſe of whom *Tacitus* in the fourth of his *Hiſtory* ſaith *that having a guilty conſcience changed the words of their oath by various arts,* or as that of *Cydias*, who having received mony of one *Archetimus* to keep ſware that he had reſtored it when he onely put into the hands of *Archetimus* his ſtaff, in which the mony was hidden, to be preſently delivered him again, for which he came to a miſerable end, as *Stobæus* out of *Herodotus* relates *ſerm.* 116.

But there is another queſtion concerning a promiſſory voluntary oath about the remote and neareſt intention. *For he ſeems to have ſatisfied his Oath, who hath done that which he had intended with a remote intention and as the end; although he do not that which the words themſelves ſound, which uſually contain the neareſt intention onely, or of means. For examples ſake, if any by vow, oath or promiſe undertake that he will give to the poor of a certain Village each moneth ten ſhillings, and ſhould give nothing in*

all

all January or February, but at laſt in the moneth of March ſhould give thirty ſhillings. Lect. 8.

I anſwer, ſaith *Biſhop Sanderſon prael. 6a. ſect. 13. The perſon ſwearing if he had intended to oblige himſelf onely to the ſubſtance of the thing, but not to that circumſtance or manner of that thing is not ſimply bound to that manner of doing, which the words ſeem to inſinuate. Whence, if in the example propoſed he had exhibited the whole three moneths Penſion the firſt moneth, without doubt he had ſatisfied his promiſe. And yet it may come to paſſe that by accident and by conſequence he may be obliged alſo to the very manner of the thing: becauſe every one is bound (other things being alike, and if no other thing binder) to chooſe in doubtful things that which is more ſafe. As in the example brought now it is certainly more ſafe to pay the Penſion in that manner in which it is promiſed, that is in the ſeveral moneths ten rather then in the third moneth thirty. Both by reaſon of the danger of ſudden death, and uncertain events: as alſo to avoid the Scruples of mind, which may ariſe out of a circumſtance neglected.* This reſolution of ſo learned a man though I think conſiderable, yet it ſeems to me that the words according to common meaning being of the payment of it in the ſeveral parcels in the ſeveral moneths he doth not rightly ſatisfie his Oath, who pays all the three moneths together, either at the laſt or the firſt of the moneths, the intention not helping in this Caſe, when the words are plain, though the oath be voluntary and promiſſory, but when the words are doubtful.

Ames alſo *lib. 4. de conſci. c. 22. q. 8.* enquires *whether the words of Oaths are to be ſtrictly taken as they ſound?* and anſwers, *that an Oath by reaſon of the danger of perjury is of ſtrict right and interpretation. So that it may not admit of thoſe larger explications, which in deeds or other ſayings have place.* Accordingly Biſhop *Sanderſon prael. 2. de Juram. ſect. 8.* makes this a Rule belonging to the juſt interpretation of an oath, *the obligation of an oath is of ſtrict right.* But then he explains this, that *by ſtrict right he means not that rigour of Law, which is oppoſed to equity, but to favour, not to exclude an interpretation of right or Law tempered with equity, but corrupted by favour, but meaning ſuch as is middle between favourable out of reſpect to perſons, and rigid, which excludes equity, and is that juſt interpretation which without any reſpect to perſons ſeeketh the true and genuine ſenſe out of natural Equity and Juſtice, and out of the words themſelves as*

§. 5. Oaths muſt have an interpretation of ſtrict right neither favourable nor rigid.

Lect. 8.

they agree to equity and Juſtice, which is to be taken out of the words, when the meaning is manifeſt enough out of his words, but when it is doubtful, each one muſt diligently beware, that we be not too indulgent to our ſelves and our affections, or afford our ſelves too free and looſe a licence of interpreting, that we may more eaſily exempt our ſelves from the Bond of the oath; nor that we fain any ſenſe to the oath made by us or any part of it, which any other pious and prudent man (who is of free judgement, as being not intereſted in the thing) would not eaſily draw from the words themſelves, that we may avoid the ſcandal of others, and crime of perjury. And yet beware that the interpretation be not too rigid, but that in every oath, however ſimply expreſſed and without exception, there may and ought to be underſtood all thoſe exceptions or conditions, which of common right are wont to be underſtood for this purpoſe that the Oath may bind. Which are expreſſed to be theſe four at leaſt, 1. *If God permit.* 2. *So far as it is lawful.* 3. *The power of a ſuperiour being preſerved.* 4. *Things ſtanding as they were at the making of the Oath. Aquin. 2a. 2æ. q 98. art. 2. when any one ſwears or promiſeth that he will do the will of another, the due condition is to be underſtood, to wit, if that which is commanded be lawful and honeſt, and portable or moderate.* Theſe and ſuch like conditions are eſpecially in promiſſory oaths, ſome more are given by *Azorius moral inſtit.* l. 11. c. 4. which would make a mockery of oaths, and the like in *Emanuel Sa*, his *Aphoriſms de Juramento.* Dr. *Ames* ſpeaks thus in the place forecited, *that thoſe conditions ought oft-times to be underſtood in an oath, which by manner and received cuſtom are preſumed to be ſo conceived of them whom the Oath reſpects.*

For example ſake 1. *In all promiſſory oaths that condition is to be underſtood, if it ſhall pleaſe God.*

2. *In theſe things which are ſubject to a higher power, is underſtood, if it ſhall pleaſe that higher power.*

3. *Of things ſo changeable that they make the thing promiſed unlawful, it is underſtood, if things remain in the ſame ſtate.*

4. *He that ſweareth that he will keep the ſtatutes of ſome ſociety is to be judged to underſtand, as thoſe Statutes are in uſe, and obſerved by others with approved cuſtom.*

5. *He that ſwears he will ſtand to the Precepts or Statutes of of ſome man or ſociety ought to be underſtood in that ſenſe, that the oath be not extended but to things likely thought on, not to thoſe things which if they did occur to the thought of him that ſwears, it is likely he would not promiſe.*

This

This reſolution for the firſt part is ſound & the latter too as for the inſtances, it is certain that the three firſt (which are the ſame with Dr. *Sanderſons*) are to be included in the Obligation of the oath, and he is not perjured who keeps not an oath contrary to thoſe conditions. Yet in the taking of the oath, it may be doubted whether it be to be ſaid, that thoſe conditions are in it, unleſſe expreſſed, becauſe if they were in the oath, the oath ſhould neither be falſe nor raſh: yet we uſually cenſure ſuch oaths as raſh which are made in ſuch an abſolute form of words. But of the two latter inſtances, and of that other which ſome learned Caſuiſts conceive, that in ſuch Promiſſory oaths he is acquitted from Perjury, who is willing to undergo the penalty of not obſerving penal Statutes of a Society, I ſhall ſpeak in that which follows, ſpecially about keeping Promiſſory oaths. *Lect.* 9.

Perjury is falſe Swearing.

EXOD. 20. 7. DEUT. 5. 11.

Thou ſhalt not take the Name of the Lord thy God in vain, for the Lord will not hold him guiltleſſe that taketh his Name in vain.

Lect. 9. *Of Perjury.*

THe ſin directly oppoſite to ſwearing in truth is falſe ſwearing, in the Greek ἐπιορκία uſed *Mat.* 5. 33. which the Etymologicum Magnum ſaith, is as much as to tranſgreſſe oaths, *Suidas* not to perform the things Sworn, though *Lyſias* uſed it for to Swear. *Heſychius* ἐπίορκον ψεῦδος perjury is lying, a perjured man he that regards not his oath, which is commonly by us from the *Latines* termed *Perjury*, and he that ſwears falſly a Perjured perſon, that is *perpera injurans* one that ſwears ill, which is forbidden, *Levit.* 19. 12. *And ye ſhall not ſwear by myname falſly*, Zech. 8. 17. *And let none of you imagine evil againſt his neighbour in your heart, and love no falſe oath: for all theſe are things that I hate, ſaith the Lord.* That de- §. 1. Perjury is defined to be falſe ſwearing.

Lect. 9.

finition, which *Hierom* on *Jerem.* 42. intimates, when he saith, *We are to observe, that an Oath is to have these Companions, Truth, Judgement and Righteousnesse, if these be wanting it will not be an Oath, but perjury*; if he understands of them joyntly so, as that it is perjury then, when all these are wanting the speech is too strait, if of each severally, it is too loose; for then alwayes and onely it is perjury when truth is wanting. This description of *Hierom* is rejected by *Lumbard* l. 3. *sentent. distinct.* 39. *A.* The received definition of the Schools from *Lumbard* in that place is, that *perjury is a lie affirmed by an Oath*: which the Schoolemen expound so, as *that it is onely perjury, when it is with an intention of deceiving*: Which seems to be superfluous, if that be true which the Schools say out of *Augustin*, that *an intention of deceiving is in every lie.* This definition is rejected by *Zanch. tom.* 4. in *3um. precept. de perjurio*, because it includes not the perjury of Promissory oaths, which at first are sincerely taken, but after the mind is changed, which yet are comprehended under perjury. *Rivet* on the ninth Command: at the end of his *dispute about equivocations Jesuitical* conceives, that *if when a man promiseth he hath the mind to bind himself, and nevertheless after, though he might commodiously do it, doth not perform it, properly and strictly he doth not lie, yet that violation of his promise and Faith, by which he is called unfaithful and deceitful, rather then a lyar is reduced to a lye. For a lye properly consists in affirming wittingly or denying that which is otherwise: but he that doth not perform what he hath promised when he might doth contrary to what he hath promised, and looseth his credit. But if any promise he will do some evil thing, and intend to do it, he doth not verily lie, but sins in that he promiseth: but if he intended not to do that evil thing he commits a lie. Which also he doth who promiseth that he will do those things which he knows to be impossible either absolutely or to him, for he speaks against his mind and sense. If a man have not a mind to do what he promiseth then he lies, or if he say that he will do a thing saith it without a mind of binding himself.*

For these Reasons neither of these definitions seems to be accurate. I think it will be sufficient to describe it to be false swearing or without truth, and him to be a perjured person, who hath sworn falsely: *Aquinas* 2a. 2æ. q. 98. *art.* 1. *falsity directly voids the end of swearing, and for this cause the perversnesse of an Oath is chiefly specified by falsity, which is called Perjury,*

and

and therefore falſity is of the reaſon of Perjury.

Lect. 9.

But now as before it was determined, that Truth was differently required in aſſertory and promiſſory Oaths, ſo we are to conceive perjury to be different in them. In Aſſertory Oaths 1. He is perjured who ſweareth that to be true which he knows or conceives to be falſe, or that to be falſe which he knows or conceives to be true. This is perjury in the higheſt degree, it being both againſt Logick and Moral Truth too. Of this horrid ſin were thoſe falſe witneſſes guilty of whom we read 1 *Kings* 21. 13. that they witneſſed againſt *Naboth*, that *he blaſphemed God and the King*, who are there termed *Children of Belial*, the Devil the falſe accuſer, (for *Belial* is oppoſed to Chriſt, 2 *Cor.* 6. 15.) the Greek Tranſlators expres it by a word that ſignifieth a *Peſtilence*, ſuch men being a plague to humane ſociety. Likewiſe *Ahab* for conſenting to that ſin, and *Jezebel* for plotting and ſolliciting, and the Citizens of *Jezreel* for yelding to it were all acceſſaries to that perjury. And in this kind of perjury either as principal or acceſſaries all thoſe are involved, who do hire, ſollicite, ſuborn or conſent to the Oaths of ſuch as ſwear in this manner falſely. Which is therefore one of the moſt wicked kinds of ſin, not onely becauſe it is one of the greateſt abuſes of Gods holy and dreadful Name, ariſing out of Atheiſm, unbelief of God, contempt of him or hatred, but alſo becauſe it is moſt apparent guile and deceit, which is pernicious to men, and therefore is to be far from an oath, *Pſal.* 24. 4.

§. 2. Perjury in Aſſertory oaths is diverſe ways.

2. They alſo in the ſight of God, though not before men, are perjured, who ſwear that which is true, when they think or doubt it to be falſe: For God ſeeth the falſehood of their hearts, though men do not. And therefore, though men do not detect them of this ſin, which contains in it formally a lye, though not materially, yet God will diſcover it, and puniſh it, and it concerns thoſe who are conſcious of it, to be deeply humbled for it, that they may prevent the puniſhment of this ſin: which though not hurtful to men, yet it is by accident onely, and in Gods ſight (who looks on the inward part, and thereby judgeth of men) it contains damnable hypocriſie, and abuſe of Gods Name, and that worſe, then he that ſwears falſe, thinking it to be true. For as *Aquin.* 2*a.* 2*æ.* *q.* 98. *art.* 1. ſaith, *To the third we muſt ſay, that*

moral

Lect. 9.

moral acts proceed from the will; whoſe object is good apprehended; And therefore if that which is falſe be apprehended as true; it will be indeed related to the will materially, but formally true. But if that which is falſe be taken as falſe, it will be falſe both materially and formally. But if that which is true be apprehended as falſe it will be true materially, and falſe formally. And therefore in every of thoſe caſes [when a man thinks that to be true which he ſwears, and yet it is falſe, or knoweth it to be falſe and ſweareth it as if it were true, or thinketh it to be falſe and ſweareth it as if it were true, which perhaps is true] the reaſon of perjury is in ſome manner ſalved by reaſon of ſome manner of falſity. But becauſe in each that is of more avail which is formal, then that which is material: he is not ſo perjured who ſwears that which is falſe, which he thinks to be true; as he who ſwears that to be true which he thinks to be falſe. For Auguſtin *ſaith in his* 28. *Sermon on the Words of the Apoſtle* James, *it behoves a Perſon how the word proceeds from his minde: For a guilty tongue is not unles there be a guilty mind.*

But it is queſtioned whether it be to be called perjury, if a man thinking the thing to be true as he Sweares, yet indeed it is not ſo, and the perſon to be accounted perjured?

Anſw. *Lumb. l.* 3. *Sentent. diſt.* 39. *A. B.* Anſwers, *That ſome did conceive it no perjury, becauſe it is no lie he thinking it ſo in his mind. And they urge that the Apoſtle,* 1 Cor. 16. 5. *might ſay that which was falſe, when he ſaid he would come to the Corinthians, yet it ſhould be no lye, if he did not come, becauſe he did ſincerely purpoſe it: and if he had ſworn it, there had not been perjury, though he came not to them.* Nevertheles, *Lumb. Sect.* 2. Reſolves, *it is better believed, that he is forſworn that thinking it to be true ſweares that which is falſe. And this he gathers from* Auguſtin Tom. 10. Serm. 28. de verbis Apoſt. Jac. *ſwear not, and reſolves that his mind is guilty, while he preſumes to ſwear that which he doth not perſpicuouſly deprehend to be true, and that by falſe ſwearing he is perjured, though he do not lie, that is ſpeak falſe with intention of deceiving.* Yet Zanchius Tom. 4. in præcept. 3*um.* de perjurio *and others will not have it perjury, but onely raſh ſwearing; and Auguſtins* words ſeem to tend thereto when he ſaith, *a guilty tongue the word makes not unleſſe the mind be guilty.*

But for a clearer reſolution. 1. I ſet aſide the matter of not performing Promiſſory Oaths, which include the condition of Gods will, and ſo it is not perjury, if the thing be not done

done, when God hinders it, if the intention and endeavour to perform it were real, and therefore *Paul* did not lie in that promiſe nor was culpable ſo much as of lightnes or inconſtancy, againſt the imputation of which he juſtifies himſelf, 2 *Cor.* 1. 15, 16, 17. *Sect.* 9.

2. I ſay, that the conceiving that to be true which is indeed falſe, and yet is averred as true may be either from ſuch cauſes as made the errour inevitable, and there was no fault in him that he thought, and averred it to be ſo having no reaſon to miſtruſt his ſenſe, as in caſe Satan ſhould delude his ſenſe, or ſome natural intervenient cauſe or defect in him ſhould occaſion his miſtake, nor was there any neglect of means to diſcover whether he were beguiled, nor was he moved to ſwear out of any malice or ſiniſter reſpect, I would not ſay in this caſe he were perjured, nor perhaps that he had ſworn raſhly, though the Oath were a falſe Oath, and the perſon taking it unhappy in it. Such a caſe may be conceived, though it ſhould never happen. Or the conceiving that to be true which is falſe, and averring it may be out of ſuch negligence, as may make ſome fault whether large, and great, or light and ſmall, as by not heeding ſufficiently what was done, and then I think it is falſe ſwearing and perjury.

For as Learned Divines ſay *Rivet* on the *9th. Command*, *Ames of Conſcience* 5*th. Book ch.* 53. *q.* 1. *Sect.* 5. and others concerning lying, that *though it muſt be a voluntary declaring of falſehood, yet if a perſon think that to be true, which is falſe and averre it to be true, when he might and ought to know it to be falſe, and eſpecially if he averre that he knows it to be true, he is to be accounted, and is interpretatively and by reaſon of the cauſe a liar, as the falſe Prophets and Teachers which think they ſpeak true are accuſed in the Scripture of lying*, ſo we may ſay, it is perjury if confirmed by an Oath.

Perhaps the men that ſware *Mat.* 26. 61 of Chriſt that he ſaid *he would deſtroy the Temple and build it in three dayes*, though they ſpake no more then Chriſt ſaid and meant when he ſaid, *John* 2. 19, 20, 21, 22. *Deſtroy this Temple and I will build it in three dayes*, and yet the Scripture brands them as falſe witneſſes. Surely though in all our words we ſhould take heed to truth, yet moſt of all in Oaths, eſpecially if Solemn, and any falſe Oath is to be accounted perjury, though

Lect. 9.

though not all in a like degree, the firſt ſort mentioned is worſt, the ſecond very evil, the third evil though in a leſſe degree, all having the nature of this ſin.

I think it not amiſſe to add (though in the latter part I think it not right) the determination of the *Tridentine Catechiſme* on the 2*d.* (as the *Romaniſts* reckon it) *commandment* the 5*th.* chap. *By like reaſon alſo he forſwears, who ſwears that which he thinks true, and yet it is indeed falſe: unles, as much as he could, he uſed care and diligence that he might find out and try the whole matter. Moreover he violates this Law, and ſins in judgment, who ſwears that which is true, and thinks it to be ſo being led thereto by certain light and far-fetcht conjectures. For although Truth accompany ſuch an Oath; yet there is under it in ſome manner falſhood: for he that ſo negligently ſwears is in great danger of forſwearing, moreover he ſwears falſly who ſwears by falſe Gods.*

§ 3 Perjury in promiſſory oaths is diverſe wayes.

In Promiſſory Oaths. 1. He is perjured who neither intended to keep the Oath when he ſware, nor doth after mind or endeavour the performance of it. For in this there is no moral Truth, becauſe there is no intention, nor Logick Truth, there being neither preſent intention, nor after minding or endeavour to perform it, but mere guile in the whole buſines. And therefore all thoſe who ſwear to pay debts, as many great ones do, but have no regard either to perform in their thoughts or endeavours, thoſe Princes who have made Leagues without intention of performing, as ſome Popiſh Princes have done, having an expectation or aſſurance of a diſpenſation from the Pope, thoſe that have taken Oaths of Allegiance without intention of performance, thoſe who ſwear uſually complementally, or in faſhion, without any ſerious minding of what they promiſe, are damnably guilty of this horrid ſin of perjury, and the more ſolemnly they do it the more impious they are, and as the deceit is greater ſo is the guilt greater.

2. He is perjured before God, who when he takes the Oath intends not to do the thing, which he averrs ſhall be done by him, although he after change his mind, and perform it. For there was a lye in his heart, which is contrary to moral truth, and to the command of God forbidding *deceitful ſwearing*, *Pſal.* 24. 4. and it is againſt Logick truth alſo: ſith in a promiſſory Oath there is a declaration of the preſent intention, and purpoſe as well, as of the future performance.

Now

Now he that ſwears, that he hath that intention and purpoſe, which he hath not, ſwears falſely and conſequently is perjured, before God (who knows his heart) as one that colludes with God, though by after performance he deceive not man, and ſo is not perjured before men. *Lect. 9.*

3. He that takes an Oath in an ambiguous ſenſe, and performs it in that ſenſe, which the occaſion and other circumſtances lead not to, and thereby deludes the expectation of thoſe that truſted in his Oath is perjured before God and men, although the words without ſuch conſiderations might have the ſenſe in which they are ſpoken. Expreſſions in oaths are to be with ſimplicity and perſpicuity becauſe they are to aſſure others of what we ſay: which they do not, nor can, if with ambiguity, and deluſion of men.

4. He is perjured, that endeavours not to the utmoſt to perform what he hath promiſed. For elſe there is not Truth in his words. But this muſt be underſtood,

1. That he endeavour to perform it in that manner, and with thoſe exceptions, which are uſually conceived to be underſtood in the words he ſwears.

2. With this limitation, unles God by whom he ſwears, and to whom he is obliged to perform it diſpenſe with him for not performing it, which may fall out in ſome caſes, chiefly when the thing appears to be unlawful or impoſſible, of which hereafter in handling the caſes about keeping Oaths. I ſaid ſignally when God doth diſpenſe with him, which is not to be extended to any Popes or mere mans diſpenſation, though pretending to be Chriſts Vicar, or other Authority, which is not from God. But he is not to be accounted perjured, who doing his beſt, that he may keep his promiſe, yet is prevented by God ſo as that the event follows not. For all Promiſſory Oaths are to be conceived to preſuppoſe the concurrence of Gods will, and that though we ſay, I ſwear I will do this or that, yet we mean, if God will, and ſo the Oath muſt not be conceived to aſſure the event abſolutely without ſuppoſition of Gods will, (for ſo God onely can ſwear, who can do all things and foreſees all future Contingents) but the faithful endeavours of him, that ſwears to perform it. Not he then

Lect. 9. that performs not, but he that promiſeth not ſincerely, or changeth his mind, or neglects to perform, when he might, is perjured. And all they are acceſſaries to perjury, who diſſuade or any other way hinder men from performing their Oath when they may and ought to keep it. Of this kind of perjury was *Saul* guilty, who *ſware*, 1 *Sam.* 19. 6. to *Jonathan*, *as the Lord liveth David ſhall not be ſlain*, and yet after practiſed many wayes to take away his life. *Zedekiah* alſo was guilty of this ſin, who had made a Covenant and ſworn to the King of *Babylon* to be ſubject to him, and to commit himſelf to his Protection, yet after ſent to *Egypt* for help againſt him for which God threatens his deportation and death at *Babylon*, *Ezek.* 17. 16. Such alſo was the ſin of *Sigiſmund* the Emperour, who delivered up *John Hus* to be burned, upon the inſtigation of the Prelates at the Council of *Conſtance* contrary to his Faith given, and of *Vladiſlaus* King of *Hungary*, who brake his League with *Amurath* the Turkiſh Sultan, and many more horrid examples of perjury are in ſtories related to have been among Chriſtians, ſince thoſe Monſtrous Tenents of the Popes power to diſpenſe with Oaths though never ſo Solemnly made, of non-obligation of Faith given to Heretiques, and ſuch like aroſe which have made Chriſtianity to ſtink, and Chriſtians accounted the moſt faithles people of the World.

§. 4. The ſin of perjury is exceeding great. Now though all theſe ſorts of perjury are in a different degree abominable, yet each of them is a horrible ſin before God, and Men. For 1. It is odious to God, who tells us that he *will deſtroy them that ſpeak leaſing*, *that he abhorres the deceitful man*, *Pſal.* 5, 6. *that he hates a falſe Oath*, *Zech.* 8. 17. and therefore expoſtulates thus with the Jews, *Jerem.* 7. 9. *Will ye ſwear falſely*, *and come and ſtand before me in this houſe and ſay*, *we are delivered to do this abomination?* Intimating that he would not brooke ſuch diſſimulation. And there are very great reaſons of not tolerating this ſin.

1. Becauſe it includes lying in it, which is odious to the God of truth, and therefore God hath ſaid, *Revel* 21. 8. *That liars ſhall have their portion in the Lake which burneth with fire and brimſtone.*

2. In perjury there is deceit, lying, and guile masked under

under the diſguiſe of Religion: For an Oath is an Act of Religion, and either in Truth or in ſhew a part of Gods Worſhip: and, by reaſon of the awe that is or ſhould be in mens hearts of God, is ſuppoſed to be done with greateſt dread of the Divine Majeſty, and ſo apt to beget the greateſt confidence of one man in another. Now of all deceit religious hypocriſie is the moſt odious, when *men draw nigh to God with their lips and their hearts are far from him*, and therefore when the worſt puniſhment is aſſigned it is threatned to *have a portion with Hypocrites*, *Matth.* 24. 51. Which is alſo therefore the more odious, becauſe thereby men are unavoidably inſnared to their hurt, there being no medicine to prevent the evil which is by falſe ſwearing. Lect. 9.

3. This ſin of perjury is one of the moſt impious profanations of Gods Name forbidden, *Levit.* 19. 12. whereby his Holy and moſt Royal Majeſty is abuſed, in that the God of Truth and Holines is alleged as if they imagined him to be an abettour or favourer of lying, the ſearcher of all hearts is appealed to as if they imagined he were ignorant of their falſehood, the juſt God who is the avenger of all unrighteouſnes is addreſſed to, as if they thought him ſuch a one as themſelves a fautor of iniquity.

An Oath is termed *Gods Oath*, *Ezek.* 17. 15, 16. 18, 19. *A bond whereby the Soul is bound to him*, *Numb.* 30. 2. and therefore the wrong is chiefly to him, when *his Oath is deſpiſed*, and *his Covenant is broken*. *By how much the more holy that is we ſwear by ſo much the more penal is the perjury*, ſaith *Auguſtin* Epiſt. 154. *to Publicola*, now *there is none holy as the Lord* 1 *Sam.* 2, 3. Therefore no perjury worſe then that, which is by the Living God. Nor doth any ſin likely cauſe the enemies of God to blaſpheme more then it, Oh what an indignity was done to the Name of God and the Honour of Chriſt, when *Amurath* the great *Turk* pulled out of his boſom the League Chriſtians had broken, provoking Chriſt (if he were as Chriſtians ſaid they believed) to avenge the breach of the League made with him.

Salvian l. 4. *de Gubernatione Dei*, mentions the frequent reproaches and blaſphemies of Gods Name occaſioned by theſe ſins, as if Chriſtians made God an Idol, or as if in

Lib. 9. their opinion he were like some lying *Mercury* rather then like the Living and True God, yea as if they thought God like to Sathan the Father of lies, presuming to do more then Satan himself, whom we find not to have dared to confirm his lies by Gods Name.

4. This sin must needs have some ingredients of Atheism and infidelity. For as *Aristotle* in his *Rhetorick* to *Alexander the great* ch. 18. saith, *no man would forswear himself if he had any sense or fear of a Divine Power, knowing that though he may hide his falsehood from men yet he cannot from God:* and therefore there must of necessity be denial or incogitancy or vain imagination of God in him that presumes to take his Name in vain.

2. This sin is odious to men as including lying and deceit, which are base sins even in the account of men. Infidel Gentiles, Pagans, Mahometans have condemned it in *Greekes*, *Carthaginians*, *Persians*, *Christians*. *Pericles* in *Plutarchs Apophthegms* is celebrated for refusing to lend his Friend a false Oath though in other things ready to gratifie him. Great is the renoun which *Attilius Regulus* the *Roman Consul* got by returning to *Carthage* to be tortured to death rather then to violate his faith, which *Tully* relates in the 3*d*. *Book of his Offices*. What excellent sayings are to be found in Greek Poets and other Authors against swearing falsely, and irreverently? Adde hereto that perjury must needs be odious to men, in that it overturns judicial proceedings so as that judgment is perverted (which is to be regulated by Oaths) and it marres humane contracts, so as that there can be no truth, or fidelity among men, whereby there is a perpetual diffidence, and consequently enmity, which in fine produce violence, rapin, oppression and all other mischiefs ensuing thereupon,

§ 5. *An use of information concerning the evils arising from perjury.*

The uses of this are first to inform us of one great cause of the great evils that are upon the World, to wit the frequent perjuries that are committed. Too much experience verifies the saying of the Prophet, *Jerem.* 23. 10. *because of swearing the Land mourneth.* By reason of false Oaths how many Widdows, Orphans and all sorts of persons mourn? how often is justice perverted and Families ruined by reason of perjury in judicial proceedings, some swearing falsely

falsely for hire, some to gratifie great men, some out of ill will? How many false verdicts are brought in by Jurors to the taking away of the estates and lives of innocent men? What enmities and hatreds are begotten by false informations, presentments to the great vexation of righteous persons? *Lect. 9.*

To omit the perjuries of men in promising to keep local statutes and yet break them, to administer justice, and yet wink at vice, and crush the upright, to discharge Legacies and pay debts, and in all these are perjured, the great miseries that have happened in *Europe* in the late ages, in the Wastings and Desolations of many Countries, by reason of the breaking of Oaths and Leagues between Princes and States, especially by reason of Papal Dispensations, shew how mischievous this sin of Perjury is to the world. Surely the vengeance of God follows it, who hath threatned, *Zach.* 5. 4. *That he will bring forth the flying roll, which is the curse, that goeth forth over the face of the whole earth, and shall enter into the house of him that sweareth falsly by his Name: and it shall remain in the midst thereof, & shall consume it with the timber thereof, & the stones thereof.* How severely did God punish the sin of *Saul* in slaying the *Gibeonites* contrary to the oath made to their Ancestours many hundreds of years before, *Josh.* 9. 3. 16, 17. though *he did it in his zeal to the Children of* Israel *and* Judah, 2 *Sam.* 21. 2. yet God *sent a famine for three years, year after year in the dayes of David,* and would not be pacified till seven of *Sauls* Sons were hanged up before the Lord in *Gibeah* of *Saul.* How sad was the doom that was awarded to *Zedekiah* for *despising the Oath, and breaking the Covenant he made with the King of Babylon,* which brought ruin on his Person, House and Kingdome, *Ezek.* 17. 19, 20, 21. The woman that forswore her self in the Tryal by the drinking of the bitter water, *Numb.* 5. 21. 22. had her belly swoln and her thigh rotten, *Grot.* in his *Annot.* on *Numb.* 5. 17. gives instances out of Heathen Writers, of sundry such marvalous judgements which have been among the Nations to discover perjury. *Herodotus* in his *Erato* l. 6. of his *History* relates of one *Glaurus* a *Spartan,* who with his house was by Divine Vengeance rooted out for presuming onely to ask of the Oracle whether it were best for him to forswear himself about things com-

committed to his truſt. So many ſuch examples of Divine vengeance againſt Perjury, have been obſerved by thoſe who onely had the light of Nature, that *Heſiod* in his *Theogonia*, reckoning an oath among the Progeny of the Gods, ſaith of it, *That it hurts earthly men very much when any willing doth forſwear himſelf.* For which cauſe not onely Gods Law by *Moſes*, and the Lord Chriſt and *James* forbid it ſeverely, but all ſorts of Writers very ſeriouſly charge thoſe to whom they give Moral Rules to take heed of it, and all Laws of Emperours, Princes and Commonwealths enact great penalties to the guilty. All that are once detected of Perjury are ever after infamous among men, and though they repent of their ſin and obtain pardon of the Lord, yet doth a ſtain and blot lie on them ever after, ſo as that they are ſtigmatized and diſtruſted, Laws Civil and Canon diſable them from bearing witneſſe for the time to come, deprive them of offices, and diſable them from any publique imployment, beſides diminution of priviledges and other penalties, which are inflicted on them.

Lect. 9.

And it is juſt with God, that he that would make God infamous by making him an abettour of falſhood ſhould himſelf become odious as the monſtrous abuſer of his Maker, who is a God of Truth: and that a curſe ſhould follow him in his Body, Eſtate, Poſterity, and his Soul too, who doth as much as in him lies, Debaſe, Dethrone, pollute the Name of the Majeſty on High, who is moſt Holy. Perjury certainly is a ſin that will Wound the Conſcience here, and Damn the Soul hereafter, if there be not moſt ſerious and deep Humiliation for it, and earneſt ſupplication for pardon through the Blood of Chriſt. Wherefore if any have been guilty of it, let them ſpeedily confeſſe it to God, humbly deprecate Divine Vengeance, fly to the Blood of Chriſt for atonement, and if they have injured any by this ſin by juſt ſatisfaction as they are able make them amends.

§. 6. Dehortation from perjury, and Directions to avoid it

2. It concerns all perſons to take heed of this ſin. It is one of the great abominations of this age whether by reaſon of Popiſh diſpenſations, or the reſolution of Popiſh Caſuiſts eſpecially the Jeſuites, and of too much acquaintance with the Jeſuited Papiſts, or by reaſon of Debauchery of men by voluptuouſneſſe, or the enmity that is in the Spirits of men againſt

againſt ſtrictneſſe in Religion, that together with moſt horrid frequent Swearing Perjuries are exceedingly multiplyed, and though God hath formerly and of late warned men of it by remarkable Examples of Divine Vengeance (of which many inſtances are given in ſundry Books, and more might be added) yet this ſin grows to an extream heighth, and unleſſe God put a ſtop to it is likely ſo to overflow this Nation, as to ruine us. Wherefore all perſons are to endeavour to prevent it each one in himſelf, and each Ruler, Magiſtrate, Judge, Parent, Maſter, Officer in others, as they tender their own peace and the welfare of their Countrey, and to this end I conceive theſe directions neceſſary to be followed. *Lect. 9.*

1. That all common and unneceſſary Oaths be declined, it being obſerved of old, and in our own time that much Swearing begets perjury, as *Philo* the Jew ſaith, ἐκ πολυορκίας ἐπιορκία *from much ſwearing, falſe ſwearing often ariſeth.* Eſpecially lying and ſwearing in faſhion, complementally, in bravery, and outragiouſly makes Perjury a Cuſtomary ſin, ſo as that perſons neither are ſenſible, when they ſwear, nor regard it, when they do forſwear themſelves, but make a ſport of it, and a mock of the reprover.

2. That in all Oaths we uſe warineſſe, there being few actions of our life, that require more ſeriouſneſſe both in regard of the nature of the Action, and the weighty conſequents of it.

3. In all thy ſwearing ſet God before thee as he is, and his word and works ſhew him to be, to wit, a Juſt Judge, and avenger of all perjury, an all-ſeeing and diligent obſerver of all the Motions of the Heart, and whiſpers of the tongue, who will at laſt *ſet in order before each man the things which he ſaith and doth, though for a time he keep ſilence, Pſalm.* 50. 19, 20, 21. And therefore as in all thy words there ſhould be a reverent regard of his preſence, ſo chiefly in oaths, wherein there is immediate appeal to him.

4. Be reſolute not to ſuffer the favour or fear of men ſo to prevail with thee as to looſe the favour of God, and to venture on his diſpleaſure. Know that all the preferments of men cannot eaſe thee of a wounded Conſcience, nor free thee from the damnation of hell. Know that all the threats and

Lect. 9.

and tortures of men cannot take away thy peace of Conſcience, and thy reward in Heaven. Shall an infidel reſolve to forget friendſhip when he comes to the Altar of his God, and lay aſide in ſwearing all other reſpects but Truth, and a Chriſtian when he ſwears remember friends, and ſiniſter reſpects and forget Truth? Surely *Regulus*, *Pericles* and ſuch like men will riſe up in judgment, and condemn the Generation of Chriſtians, who make a Trade, or a Sport of Perjury, and inſtead of Hallowing the Name of God cauſe it to be vilified and reproached.

Part 2.

Perjury

Perjury by Equivocation and Mental Reservation in Oaths an Invention of Jesuites.

Exod. 20. 7. *Deut.* 5. 11.

Thou shalt not take the Name of the Lord thy God in vain, for the Lord will not hold him guiltless that taketh his Name in vain.

Lect. 10. *Against Jesuitical Æquivocation.*

§. 1. *A new Art of Perjury invented by Jesuites is opposed by Papists and Protestants*

Augustine in the 6th. *Tome* of his works, in his Book of *Heresies*, to *Quodvultdeus Heresie* the seventieth relates of the *Priscillianists*, whom *Priscillianus instructed in Spain*, that *to hide their defilements and foul actions, they had in their Lessons these words, swear, forswear, betray not thy secret.* And in our age there are a sect of men, whom *Ignatius Loyola a Spaniard* first instituted, and whom *Navarrus Aspilcueta a Spaniard* too first (that can be found) instructed in the Art of lying at *Rome*, who have it among their instructions, to swear, and forswear in words, so that they help out the matter with mental reservations, that they may not divulge their secrets. By which means it hath come to pass, that there have been a sort of men in our dayes, principally of the Order of *Jesuites*, who have taken upon them to defend plain lying and perjury under the term of Equivocation, which because it is at this day defended and used chiefly by men of that order, is commonly termed *Jesuitical Equivocation*, who as by their writings they plead for it, so some of them have been detected to have practised it, as *Southwel* mentioned by Arch-Bishop *Abbot* in the *Preface before his six Lectures in* Oxford, *Garnet* and others in the business of the Gunpowder Treason, as the Book intituled, *The proceedings against the late Traytors* relates, which occasioned the words in the Oath of Allegiance of taking it *without Equivocation or mental reservation*. Against these many of our English and other Divines Protestants and Papists

piſts have oppoſed themſelves, particularly *George Abbot* Arch-Biſhop of *Canterbury* in his *ſix Lectures*, *Robert Abbot* his Brother Biſhop of *Sarisbury* in his *Antilogy againſt Eudæmon Johannes*, *Thomas Morton* Biſhop of *Durham*, in his *Confutation of Equivocation*, *Henry Maſon* in his *Treatiſe of Jeſuitical Equivocation*, *John Prideaux* Biſhop of *Worceſter* in his tenth *Lecture*, *Ames* in his ninth *Book of Conſcience*, chap. 22. §. 21. *Andrew Rivet* on *the ninth Commandement*, *Robert Sanderſon* now Biſhop of *Lincoln*, *of the Obligation of a promiſſory Oath prælect. 6. Sect. 3.* &c. *Barnes* a Sorboniſt of *Paris*, *Malderus* Biſhop of *Antwerp*, &c. condemning the Doctrine of thoſe Jeſuits, as opening a way to Atheiſm and Perjury, and tending to the abolition of Holy Dread of God, and fidelity to men. Which Art of Perjury I intend to examine, that the reaſon of the clauſe in the Oath of Allegiance oppoſite to it may be diſcerned, the monſtrous wickedneſs of that party may be diſcovered, and their wayes may be abhored, therein inſiſting in their ſteps, who have beaten the way before me in this Argument.

Lect. 10.

§. 2. *Jeſuitical Equivocation as deſcribed*

For the better elucidation of this point we are to remember, that out of *Auguſtine de mendacio ad Conſentium*, chap. 4. lying is commonly in the Schools defined *to be a falſe ſignification of the voyce with the intention of deceiving*. Where by [intention of deceiving] is meant no more then the intent of begetting another conceit of the thing ſpoken by his words, then he doth himſelf conceive in his mind. Now this is in words by equivocation, which is nothing elſe but an Accident of Speech or Words, when they may be taken in more ſenſes then one, or in one ſenſe as well as another, and this is commonly called Logick Equivocation or Verbal. Now this ariſeth ſundry wayes. 1. Sometimes from the different ſenſe of the word or Phraſe without a figure or trope of ſpeech, ſometime by it: To know is uſed without a Figure or Trope of ſpeech for ſimple knowledge, 1 *John* 3. 2c. for approbation or acknowledgement, *Matth.* 25. 12. to hear is put ſometimes for ſimple hearing, ſometimes for hearing with obedience. We ſay in our *Engliſh*, *he lies*, *he goes too faſt*, *they take their leaves*, with many other in diverſe ſenſes without a Figure or Trope of Speech. Sometimes by a Figure of Speech, as by a Metaphor, *for every thing ſpoken by Metaphor is uncertain*, ſaith *Ariſtotle* in his *Topicks*. Thus

1 Kings

1 Kings 18. 21. *How long do ye halt or skip between two opinions?* may be understood of bodily defect or motion, or mental, *John* 11. 11. our Saviour said, *Our Friend* Lazarus *sleepeth*, which he meant of death, his Disciples *v.* 12. of natural rest. So we say such a man sticks to that, stumbles at that, runs after another. Hither we may refer all similitudes, parables, allegories, types, and whatever riddles or ænigmatical expressions are used. 2. Sometimes the Ambiguity or Equivocation ariseth from the placing of the words, and their composition in one sentence, so as that it becomes doubtful to which they are refer'd, as 2 *Kings* 6. 33. it is doubtful whether the speech there were *Elisha's* or the Messengers, *Acts* 19. 5. whether the speech be *Pauls* or *Lukes*. 3. Sometimes from the circumstances of Time, Place, Person, Occasion, Matter, Gesture, and other Coincidencies, Limitations, and Explications are or may be gathered, whereby the meaning of the words may be different in one speech from that they have in another. As when *Paul* saith, *He had not shunned to declare to them the whole Counsel of God*, *Acts* 20. 27. the Circumstances shew this to be meant onely of his revealed Counsel for them to know, and when he saith, 1 *Cor.* 6. 12. *All things are lawful for me*, the Connexion shews to be meant of meats, and such like indifferent things. And these are easily conceived by the sober and advised, as when a disputant in Schooles *pro forma* saith, *There is a Purgatory, therefore thou art deceived*, every one of competent knowledge in such exercises understands him to speak not according to his own, but a Papists opinion. In which sort a Lawyer if he plead as a Disputant without endeavour to deceive and pervert right, but onely to discuss things is to be interpreted to speak as in his Clients Person, not his own. Thus if a man in travel being asked to lend so much money which he hath not then with him, it being for present use, may say he hath not so much, though he have more at home. *Lect.* 10.

But besides this sort of Equivocation the Jesuites tell us of an Equivocation, that is not Verbal or any Accident of speech, but (as they call it) *mental*, by reason of something in the minde reserved to make up that, which they say, true, which otherwise would be false: Insomuch that part shall be expressed in words plain of one meaning, and part kept in the minde of the Speaker, whereby he understands his expres-

Lect. 10.

sion another way. As if a Popish Priest be asked, whether he be a Priest? answers upon Oath, *Iam not* though he know he be, salving it with this reservation in his mind, *of Baal, or Apollo*, or *so as I am bound to tell you*, or as *Francis* that said, *the thief went not that way, meaning through his Coat.* This kind of equivocation in answering upon oath they allow, and say he that speaks so lyes not nor is perjured. Thus are *Parsons, Eudæmon Johannes* and many more of that order charged to have held.

§. 3. The Question about equivocation is stated.

But to resolve what we are to hold or reject in this matter, 1. Saith Mr. *Mason Treat. of Equivocation, ch.* 1. We deny not but that we may lawfully use words which may indifferently be taken in diverse acceptions and meanings as they are then used. And this is plain, partly because the Scriptures are full of such speeches; and partly because our Common Conversation and life cannot be without them.

2. It is not unlawful when some Case of further good doth require it to use these ambiguous Speeches in the less known and Common signification, and in another meaning then it is likely the hearers will understand them for the present, as our Saviour did, *John* 11. 11. when he said, *our Friend Lazarus sleepeth*, which he after explained *v.* 14. when he perceived their mistake, *v.* 12, 13.

3. It is not unlawful if there be just cause for concealing of a truth, to use an ambiguous speech in any of the kindes of verbal ambiguity before named, that thereby we may hide something from the hearers which they should not know. God appointed *Samuel*, 1 *Sam.* 16. 2. to utter one truth of his coming to *Bethlehem* to sacrifice, to hide another, his anointing of *David* to be King; And therefore it may by parity of reason be conceived, that it is lawful to use an ambiguous speech for uttering a truth in one sense, to hide another not meet to be published; For this Mr. *Mason* cites *Robert Abbot Antilog.* c. 2. *Casaubon Epist. ad Fronton. Ducæum* yelding it.

4. Saith Dr. *Prideaux, lect.* 10. § 4. *It is agreed lastly that it is most true, which Augustin suggests in his enarration on the* 5th *Psal. It is one thing to hide truth, when it is seasonable, or to propound it obscurely, another thing to lye: that in fit time and place may be lawful and laudable, but this not so.*

5. He adds, and *Rivet* with a little change follows him, all grant that Logical Limitations or restraints which

are

are drawn out of the things propounded by some certain Circumstances do excuse the speech uttered from lying and perjury. *Lect.* 10.

6. It is utterly denied to be lawful to use verbal equivocation in oaths, especially when we answer by Oath, whereby he to whom the Oath is exhibited may be deceived. For 1. All deceit and guile must be absent from Oaths, *Psal.* 24. 4. God who abhors guile must not be appealed to with guile, but to use verbal equivocation whereby the person that tenders the Oath, may be deceived, is to use guile in Oaths; therefore it is unlawful to use such verbal equivocation in Oaths. 2. The end of an Oath is the confirmation of a truth, and taking away a doubt or controversie, without which swearing were to no purpose, for nothing were assured by it, there is more expected from an Oath wherein we appeal to God, then from ordinary speech, though that should be as much as may be plain, *Our yea should be yea, and our nay nay, James* 5. 12. But if verbal equivocation, whereby a person is deluded, may be used in Oaths, then there is no assurance by an Oath nor any determination of strife or doubt, contrary to *Heb.* 6. 16. Therefore the use of verbal equivocation, which deceives, is unlawful. 3. It is a great profanation of Gods Name to address our selves to him for testimony of that which is sworn dissonantly from what we think in our mind, for this is to impose on God the patronage of deceit, and collusion. 4. In Oaths there is an Interrogation and an answer which make but one proposition, which must needs be false if the answer be understood in other sense then the question or interrogation, and consequently if verbal equivocation be used to deceive, there must needs be perjury.

5. Even Heathen Infidels have condemned such deceit, as he that brake his Faith to *Hannibal* of returning to his Camp not as a Prisoner, but upon a Pretence, mentioned by *Gellius Noct. Attic. l.* 7. *c.* 13. is censured by *Livius Dec.* 3. *l.* 2. not to be *a man of a Roman disposition*, and *Tully* in the 3d. of his *Offices* determines, *that fraud in swearing binds faster on, doth not loose perjury.*

7. The use of Jesuitical mental equivocation whether in asseverations or oaths not only Protestants, but also some Popish Writers conclude to be most abominable, and that it neither excuseth from lying nor perjury.

The

Lect. 10.

§ 4. Jesuitical equivocation is with lying and deceit, & in oaths perjury.

The First Argument against such Equivocation is thus, All Lying, Fraud, Deceit in our Speeches chiefly in our Oaths is condemned in these Scriptures, *Levit.* 19. 11. *Ye shall not swear by my Name falsely, neither shalt thou Profane the Name of thy God,* Ephes. 4. 25. *Wherefore put away lying, speak every man Truth with his Neighbour: for we are Members one of another,* Psal. 12. 2. *They speak vanity every one with his Neighbour: with flattering lips and with a double heart do they speak,* Gal. 2. 11. *But when* Peter *was come to* Antioch *I withstood him to the face, because he was to be blamed,* v. 12. *For before that certain came from* James *he did eat with the Gentiles, but when they were come, he withdrew and separated himself fearing them of the Circumcision,* v. 13. *And the other Jews dissembled likewise with him.* Psal. 24. 4. *Who shall stand in his holy place? Who hath not lift up his Soul to vanity, nor sworn deceitfully,* Jer. 9. 8. *Their tongue is as an arrow shot out, it speaketh deceit,* 2 Cor. 4. 2. *But have renounced the hidden things of dishonesty, not walking in craftiness, nor handling the VVord of God deceitfully, but by manifestation of the Truth, commending our selves to every mans Conscience in the sight of God.* These and many more places shew that deceit, false-hood, guile, should be absent from all our Speeches, chiefly Oaths. But these are in Oaths taken with Jesuitical Equivocation. For he that conceals one thing in his mind, and expresseth the contrary in his speech, what doth he but speak falsely with an intent to deceive, which is lying, and when confirmed by Oath, perjury? *To lye is to say any thing whether true or false against that which he thinks in his mind,* Lumbard, lib. 3. Sent. Dist. 38. Aquin. 2. 2. q. 111. Art. 1. & 4 Augustin Tom. 10. Serm. 28. *De verbis Apostoli.* Becanus the Jesuite himself *Manual of Controversies, l.* 5. c. 21. Propounding the question, whether *it be lawful to use Equivocation?* Explains it thus, *the sense is, whether it be lawful to beget a false conceit in others, to deceive, or elude others by Equivocation?* So that although he seeks to cast on Beza and the *Calvinists* this Art of Equivocation, and in vain to free his order, yet we gain this by his Explication, that Equivocation is used to deceive, and so it is lying, and in an Oath perjury.

The exceptions against this Argument are, 1. They speak not otherwise then they think, because they keep a reservation in their mind. To which I reply, that reservation is no part of their words, and though they think that that which

Lect. 10.

which they reſerve, if joyned in ſpeech, would make their ſpeech right, yet they do think and know that which they ſpeak to be falſe. As the Prieſt being asked whether he be a Prieſt? And anſwers, I am not, knows that to be falſe, notwithſtanding his mental Reſervation.

2. Excep. But the Reſervation joyned to the words makes but one mixt Propoſition, which is true. To which I reply, the Reſervation in the mind cannot make it true. For 1. The truth or falſehood of the ſpeech is in the words. For it is that which ſignifieth to others, which is words, the thoughts in the mind do not ſignifie. Lying is a part of injuſtice, as veracity is a part of juſtice, and therefore is *ad alium*, that is reſpects another. As a man doth not lye to himſelf, ſo he ſpeaks not truth to himſelf but to others. No man lies to himſelf any more then ſteals his own goods, or Commits Adultery with his own Wife. 2. How can that which is not expreſſed at all be a part of that Propoſition which is expreſſed? By what Conjunction comes it to be a part of it? was it ever heard of, that what is not expreſſed in the ſame Sentence is part of the Propoſition or enuntiation? Much leſſe that which is not expreſſed at all. Beſides ſuch a mixt propoſition, neither did *Ariſtotle* ever dream of, nor of ſuch Equivocation, nor any other till of late, and they themſelves confeſs it not to be properly called Equivocation, nor is there in truth any ſuch Propoſition or ſuch Equivocation as they have imagined.

See Bannez Tom 3. in 2. 2 Aq. q. 1. Art. 3. Malder. de abuſu reſtrict Mental. c. 8. Mortin conſ. of equiv. c. 9.

3. Excep. is, that the intent is not to deceive in the uſe of this Jeſuitical Equivocation, but to ſave his life, and to eſcape danger.

To which I reply, that it is granted, the remote end is to ſave himſelf, but yet the next end is to deceive others. *Tolet* the Jeſuite in his *Inſtitutions of Prieſts l. 8. c. 54.* confeſſeth, *that he that ſpeaks otherwiſe then he thinks, deceives another, and intends to deceive: for he doth not ſo utter himſelf, but that he may beget a diverſe opinion in the mind of another, But this is to deceive,* and conſequently to lye, and *evil muſt not be done that good may come of it, Rom. 3. 8.* A thief is a thief though he ſteal to ſave his life, and he that ſwears a falſehood is a perjured liar, though he do it to ſave his life.

§. 5. Jeſuitical equivocation evacuates the end of an Oath.

The ſecond Argument is taken from the end and uſe of an Oath, which is *Heb 6. 16. for confirmation to end ſtrife.* But by mental reſervations, or Jeſuitical equivocations the end of

Lect. 10. of an Oath is made voide, ſith if they be allowed nothing is confirmed, nor any ſtrife determined by an Oath, the mental reſervations being hid in the breaſt, and ſo unknown, and therefore cannot confirm or reſolve a doubt, or end a ſtrife.

The exception againſt this is, that they think it not fit to equivocate before a competent Judge juridically proceeding, for then controverſies are to be ended: But they may before an incompetent judge not proceeding according to Law. *Azorius* the Jeſuite in his *Moral Inſtitutions* 11th. *Book*, 4th. *ch.* will not allow in that Caſe equivocation by mental reſervation, For, ſaith he, *Nothing can be ſo falſe, but that it may be freed from all lying, if we may retain ſomething in our mind at our choice, or pleaſure:* yet he allows other equivocation; *If a perſon be asked of what he hears in confeſſion, he may deny it, and if he be asked of a ſecret crime, he thinks he may deny it in ambiguous words, becauſe he is not to aske of ſecret things, and in common converſe when we are compelled to ſwear, and asked of any thing, if injury be done to us, it is lawful for us to uſe ambiguous words, and to take them in our ſenſe which the words themſelves may have, although they beget in the minds of the hearers another ſenſe.* *Becanus* in his *Manual* of *Controverſies*, *l.* 5 *c.* 21, though he diſclaim with much confidence or impudence rather any fiction to be taught by Jeſuites, yet he doth not pronounce ſuch a one to be a lyar.

To which I reply, It is better reſolved by others after *Aquinas* 2ª. 2ª. *q.* 69. *Art.* 1. *Arg.* 2. *&c.* that, though if the Judge be incompetent or proceed not rightly, we may forbear to anſwer, or appeal, or ſome other lawful way help our ſelves, yet if the perſon do anſwer, he muſt anſwer plainly, and that not anſwering plainly, but by mental reſervation or ambiguous words to deceive, the anſwerer lies & is perjured: ſith the anſwer being made to the queſtion, it muſt be fitted to it in the ſenſe it is propounded, elſe there is not truth in the anſwer; We are to ſpeak truth to an enemy, much more to an incompetent Judge. 2. This is but a ſhift to elude others and to hide their own wickedneſs, ſith it is known by their writings that they count any an incompetent Judge, though he be Gods Miniſter ordained by him, if he be not of the *Roman* Party, and ſuch a one as the Pope allows to excerciſe dominion over them.

The

Lect. 10.

§. 6. Jesuitical equivocation marrs humane commerce judicial proceedings, Christian Confessions laws against lying and common honesty.

The 3d. Argument is drawn from the evils and absurdities, which are many, grosse and intolerable, if mental equivocation may save from lying and perjury. For 1. The bond of all commerce is the faith of each to other: How else can there be any Treaties of peace between State and State, any traffique between men, if they cannot believe one another? But if equivocation may stand, no man can tell how to believe another, sith he cannot tell, whether by mental reservation he means not otherwise then he speaks, and thereby therefore the bond of humane society will be broken, which he that doth is an enemy to mankind. *We may* (saith *Azorius, Instit. Moral.* l. 11. c. 4. *whatsoever is demanded of us, though we have it with us, deny that we have it; understanding, that we may give it: whatever we have done, whatever we have seen, whatever we have thought, decreed, being asked of it, we may without lying say, we did it not, we saw it not, we did not think, we did not decree it, to wit in that sense, that we should tell thee, or that we ought to tell it thee.*

To this they say, that they allow it but in some cases. not in matters of Commerce, and the Common use of Life. Whereto I reply, this evasion is not sufficient. For 1. it is false: they allow it in any case of danger, or for a great profit, as Mr. *Henry Mason* hath declared plainly out of their determinations, in his *Treatise of Equivocation, ch.* 3. 2. Nor can any man tell, when their Consciences think it not lawful to Equivocate. 3. By their grounds, to wit, that their speeches are freed from lying by Mental Reservation, and that a man is not bound to speak the truth before an incompetent Judge, or not proceeding according to law, and that he is no competent Judge, whom the Pope allows not, a man may take liberty to use Equivocation in any matter: especially if the persons with whom they treat or deal be deemed Heretiques, with whom there is just cause to conceive they hold they are not to keep Faith.

Hence also another great evil follows, that no Judge can tell how safely to proceed to Sentence a matter by Testimonies, sith he cannot tell whether the Witnesse doth not reserve a secret meaning contrary to his words, and by consequent judicial proceedings will be stopped, and all Laws and Commonwealths overthrown. For if a man think the Judge incompetent (as Papists judge Heretiques to be, and

Lect. 10. Prieſts ſecular Magiſtrates) or that he is not bound to anſwer, becauſe he doth not legally proceed, & that he does no wrong in concealing the truth, by their Doctrine he may Equivocate in ſport without an Oath, and in a matter of weight may Equivocate with an Oath. And what man is there almoſt whoſe corrupt Affections in Caſe of advantage would not, if he believed the Jeſuites Doctrine true, ſway him to think he might thus uſe Equivocation? Which muſt of neceſſity make all judicial Sentences and proceedings unſafe, becauſe uncertain, whether they be right or not.

Thirdly, Upon the ſame grounds no Pope in things, wherein he proceeds by Teſtimony, as *V. g.* in Canonizing Saints can ſafely determine, ſith he cannot tell whither the witneſs do not Equivocate, nor can any man truſt to the Popes deciſions, or Indulgencies, nor to the Prieſts Relations or Reſolutions, ſith no man can tell, whether they do not Equivocate, yea though they ſwear they do not Equivocate, yet they may help that out with another Equivocation, as *Sanchez* in his *Moral.* l. 3. c. *num.* 4. 5. and the Treatiſe of Equivocation *apud Abbot. Antilog.* fol. 13. as they are cited by *Henry Maſon new Art of Lying*, c. 3. p. 57. To which I add the words of Dr. *Sanderſon* now Biſhop of *Lincoln* de *Juram. promiſs. Oblig. prael.* 6. *Sect.* 5. *The Oath of Allegiance with us was written with that accurateneſs of words and Study, that no place might ſeem could be for cavelling or ſhift, yet the Jeſuites and Prieſts, while they reſerve to themſelves a liberty of reſerving what likes them in their minde with great conſtancy of countenance fear not to take it. For even that clauſe it ſelf, in which in expreſs words they promiſe that they will faithfully obſerve all the aforeſaid things according to the Tenour of the words by them ſpoken, and according to the plain and natural ſenſe and meaning, without any Equivocation or mental reſervation, they underſtand in the mean time with another reſervation, to wit, which I may tell thee.*

4. Upon this ground the Martyrs and Confeſſors might be cenſured for fillineſs, yea for injuriouſneſs to themſelves, who might and ought by the Jeſuites Doctrine for ſaving their lives to have uſed Equivocation. Nor can they avoid theſe abſurdities, by ſaying, that they allow not equivocation, when men are to ſpeak of points of Faith. For they allow it generally in all matters before an incompetent Judge, or not judicially proceeding, or for ſaving life, or a great good. And when

when they alleadge those Texts, *Mark* 13. 32. *John* 8. 15. *Mark* 16. 16. *John* 6. 51. *John* 16. 23. as if our Saviour did there Equivocate, the speeches being of the day of Judgement, Sacraments, the eating of his flesh, it's being the Bread of Life, either they abuse our Saviour, or else they must allow by his example Equivocation even in matters of Faith and Religion, as Mr. *Mason* observes, *Treatise of the new Art of Lying*, ch. 3. *Lect.* 10.

5. In vain are Laws made by God or Man against Lying and Perjury, sith the speeches of men may be easily saved from either, if the Doctrine of verifying an untruth in words by a Mental Reservation be received. Neither could *Ananias* and *Sapphira*, *Acts* 5. nor the Devil be accused of lying, nor any man be convinced of Lying or Perjury, but that he might easily plead he had a Reservation in his minde, which did limit and expound his words. Nor are the Laws to restrain a man from speaking any untruths, if he have a reservation in his mind, which no man can forbid or punish: nor can any deceit inwords be punished, sith a man may deceive by his words with a Reservation in his mind, as easily as if he had none at all.

6. The Christian Doctrine (if the Jesuites tenent might pass for current concerning Equivocation) would be less honest then the Infidel Heathens, who allowed not (as may be seen in the third book of *Tully de officiis*) fraud in speech or Oaths, and therefore the using of Jesuitical Equivocation in Oaths and defending it by men named Christians, brings an irreparable Blot and Reproach to the Christian Faith, and is in it self blasphemous, nevertheless these men pretend somewhat for their Doctrine and Practise, which is to be considered.

§. 7. Objections from the words and deeds of holy men for Equivocation are solved.

1. They alleadge that *Abraham* did Equivocate, *Gen.* 17. 19. *Gen.* 20. 2. When he said, *Sarah was his Sister*, reserving in his mind that she was his Wife, that *Moses*, when he told *Pharaoh*, *Exod.* 5. 1. and 8. 27. *that they would go into the Wilderness to Sacrifice*, intending to quit *Egypt*, did Equivocate. So did *Samuel*, 1 *Sam.* 16. 1, 2. When he came to *Bethlehem* to anoint *David* King pretending to come to Sacrifice. So did *Jeremiah*, *Jerem.* 38. 27. when he told the Princes he supplicated to the King, when he had given him Counsel to go to the *Chaldeans*. So did *Jacob*, *Gen.* 27. 19. when he said, *He*

Lect. 10.

was Eſau Iſaacks firſt born. So did the Midwives, *Exod.* 1. 19. when they told *Pharaoh*, that *the Hebrew women were lively, and were delivered ere the Midwives did come to them.* For which God bleſſed them, *v.* 20, 21. So did *Rahab*, *Joſh.* 2. 4, 5. When ſhe told the Meſſengers of the King of *Jericho*, that *ſhe knew not whence the men were that came to her, that they were gone, ſhe knew not whither, that they might overtake them.* So did *David*, 1 *Sam.* 21 2. When he told *Abimelech that the King ſent him on an errand, and appointed his Servants to a certain place*, 1 *Sam.* 27. 10. When he told *Achiſh* that *he made that day an inrode againſt the South of Judah*: Which Speeches cannot be freed from the ſin of lying, which it were injurious to impute to ſo holy perſons, without the uſe of equivocation, therefore ſuch equivocation as the Jeſuites allow is not to be condemned.

Anſwer, There appears not any ſhew of Jeſuitical equivocation by mental reſervation in any of theſe Examples, nor when the *Priſcillianiſts* did object theſe to defend their Practiſe, as the Jeſuites do [illegible] their equivocating, did *Auguſtin* think of excuſing them by pretending their uſe of Jeſuitical equivocation. But to anſwer more directly, we are to ſever the Examples. In the four firſt of *Abraham*, *Moſes*, *Samuel*, *Jeremiah* theres no need of ſuch a plea, for their Speeches were true of themſelves. *Abraham* juſtifies his own Speech, *Gen.* 20. 11, 12. He and the reſt ſpake no untruth, though they ſpake not all the Truth. *But it is no lye when that which is true is hidden by ſilence, but when that which is falſe is uttered by ſpeaking*, Saith *Auguſtin Contra. Mendac. c* 10. As for the four later we need not run to Jeſuitical equivocation, to ſave their credit: For we may ſafely confeſſe that their Speeches were lies, nor is it any more injury to them to confeſs this of them, then to condemn *Davids* murther, adultery and other ſins. As for the Midwives and *Rahab*, though the Scripture ſpeak of *Gods making Houſes for the Midwives*, it was not for their untruth (which God graciouſly pardoned,) but *for their fearing of God*, and *Rahabs faith* was rewarded, not her deceit, and though *Jacob* got the bleſſing, yet it was not enjoyed without a long continuance of many afflictions. And *David* though he eſcaped preſent danger by his lies, yet it was not without after troubles.

2. But it is objected that *Jonahs* Speech, *Jonah*, 3, 4. *Yet forty*

dayes

dayes and Niniveth ſhall be deſtroyed, and the words of *Iſaiah* to *Hezekiah*, *Iſa.* 38. 1 *Set thine Houſe in order, for thou ſhalt dye and not live*, cannot be true without mental reſervation, therefore the Prophets words by Gods Command warrant ſuch mental reſervation as the Jeſuites teach. Lect. 10.

Anſwer, Gods People never conceived, that Gods threatnings muſt be ſaved from untruth by mental reſervation, but they have underſtood, that in them was included an exception upon Repentance: Which even the *Ninivites* underſtood either by the light of reaſon, or ſome knowledge of Gods rules of proceeding in ſuch caſes expreſſed *Jer.* 18 7, 8. *Ezek* 32. 12, 14. According to which *Joel* ſpeaks *Joel.* 2. 14. and *Daniel* exhorted *Nebuchadnezzar*, *Daniel* 4. 27. And ſo it appears by *Hezekiahs* Prayer, that he underſtood the meſſage of the Prophet, without ſuch mental reſervation, as the Jeſuites have deviſed.

§ 8. Our Saviours words prove not his uſe of Jeſuiticall equivocation.

3. Our Saviours words in eight verſes of *John*, 8. to wit, *v.* 15. *that he did judge no man*, v. 32. *the truth ſhall make you free*, v. 50. *I ſeek not mine own glory*, v. 51. *If a man keep my ſaying he ſhall never ſee death*, v. 54 *my honour is nothing*, v. 55. *yet ye have not known him*, v. 56. *your Father Abraham ſaw my day*, v. 58. *Before Abraham was I am*, are not true, if not underſtood with mental reſervation, therefore ſuch reſervation is juſtifiable.

Anſwer, It is granted that all thoſe Speeches have ſome obſcurity, and have need of diligent conſideration: but they are not cleared and verified by a mental reſervation to be added by way of ſupplement, which the words did not import: but by reaſon of Truth in the words according to thoſe limitations and explications with which the occaſion and other Circumſtances ſhew they are to be underſtood. And indeed to ſalve the truth of all obſcure or ambiguous ſpeeches by mental reſervations, which the words do not intimate, is a way more agreeable to frantick then to ſober perſons.

4. It is objected that our Saviour ſaid, *John* 7, 8. *I aſcend not to the feaſt*, and yet he did, which cannot be ſalved without equivocation.

Anſwer, The reading they produce for their purpoſe, *ego non aſcendam ad diem feſtum iſtum, I will not go up to that feaſt-day*, is different from the original *ἐγω ουκ ἀναβαινω I go not up yet*, changing

Lect. 10. changing [*non not*] for [*nondum not yet*] and [*aſcendam I will go up*] for [*aſcendo I do go up*] both which are otherwiſe in many Copies even of the vulgar Latine, and accordingly other Interpreters as the Syriake, and *Arias Montanus* do ſo read them, and the *Rhemiſts*, *I go not up to this feſtival day*, and in the Margin, *I will not yet go up*. And *Maldonat*, *Tolet*, *Janſenius* expound the words, not of a ſimple denial of going up at all, but of a not going up as then, which they gather from the words, *my time is not yet fulfilled*, and ſo theres no need of mental equivocation. Beſides as they alleage the words [*ad diem feſtum iſtum* to this *feſtival day*] they are true without reſervation. For he did not go nor intend to go to that feſtival day that is the firſt day of the feaſt, though he went after, and therefore the alleadging this place ſhews their impudence.

5. It is objected that Chriſt ſaid, *John*, 15. 15. *All that I have heard of my Father I have made known unto you, yet Iohn* 16. 12. he ſaith, *I have yet many things to ſay unto you, but ye cannot bear them now*, therefore he equivocated.

An The paſſage, *John* 15. 15. It is not to be expounded by Supplement of mental reſervation, as if he had one ſenſe in his words another in his mind, but (as *Janſenius* ſayes from the circumſtance of their preſent ſtate) this limitation is underſtood [*I have made known to you all that pertains to your preſent ſtate.*]

6. It is objected that he ſaith, *John* 16. 23. *Whatſoever ye ſhall ask the Father in my Name he will give it you*, this muſt be underſtood with reſervation.

Anſw. Not ſuch a reſervation in mind as the Jeſuites deviſe, but with that limitation, which in ſuch promiſes is included, to wit that *they aſk according to Gods will*, 1 *John* 5. 14. and that he will give it, if it be good or expedient, for us as the anſwer to *Paul*, 2 *Cor.* 12. 9. proves it to be meant.

7. Chriſts Speech, *Mark* 13. 32. is much objected, *But of that day and hour knoweth no man, neither the Angels which are in heaven, neither the Son, but the Father*, which is not to be conceived of Chriſt without a mental reſervation, which *Hierom*, *Auguſtin*, *Baſil*, *Theophylact* do thus add, [*the Son knows it not, that is to tell you*] which is the Jeſuites uſual mental reſervation, and therefore warranted by Chriſts example.

Anſw. A plain ſenſe of thoſe words (which might be gathered

thered from the manner of ſpeaking emphatically then, or his wonted manner of ſpeaking at other times of himſelf as he appeared to be and was reputed) is this [*that he knew not as he was man in the fleſh*] and thus ſaith *Maldonat. Comment. in Locum Athanaſius, Gregory Nazianzen, Cyril, Theodoret*, and others taught, and therefore there's no need to make good this ſpeech by mental reſervation. The other interpretation, what ever the Authors be, cannot ſtand. For 1 the Expoſition [*but the Father onely knows*] ſhould then be expounded thus, [*he knows ſo as to tell you*] which had not been true. For the Father did not know it ſo as to tell them, then they had not been ignorant, which Chriſts words ſhew they were, and ſhould be. 2. Our Saviours expreſſion was to tell them of the great ſecreſie concerning that day, which had not been, if the Father onely did know it ſo as to tell them. And though the Fathers did ſo expound it, yet they did not ſo out of any conceit of mental reſervation, but from the meaning of the words [*to know, ſcio and novi*] which they conceived in *Gen.* 22. 12. *Deut.* 13. 3. to ſignifie to make to know. *Lect.* 10.

8. It is further objected from *Luke* 24. 28. that our Saviour *equivocation fained that he would go further*, which he did not intend. Now there may be a lie in Geſtures or Acts as well as words, ſith they may ſignifie our mind. Wherefore our Lord ſignified his Will to be to go further, yet his will was to ſtay, and not to go further, therefore he did uſe mental reſervation contrary to what he ſignified, which is the ſame with the Equivocation the Jeſuites plead for? § 9. Our Saviours action, *Luke*, 24. 28. Juſtifies not Jeſuitical Equivocation.

Anſw. Dr. *Prideaux* Lect. 10. *Rivet* on *præc.* 9. out of *Aq.* 2. 2. q. 111. & q. 110. Art. 3. Grant, that *Simulation in deeds, and Equivocation in words are alike Lyes, eſpecially if there be thereby an intention to deceive*, yet, as Mr. *Maſon* obſerves of *Equivocation*, c. 5. with Biſhop *Abbot*, *This is to be underſtood, when Geſtures or Facts do ſignifie by ſome Agreement expreſſed before by words, as in laying the hand on a Book and kiſſing it taking an Oath is ſignified, or elſe when the deeds are ſo expreſſive, that by outward circumſtance we declare that it is our intention to ſignifie our minds by ſuch Geſtures, as when a dumb perſon declares he doth aſſent to a thing by pointing to his Tongue, or the like manifeſt action: Otherwiſe though men may gather ſomething from them, yet there is no Lye in Geſtures. And* as *Lucas Brugenſis* on *Luke* 24. 28. notes,

there

Sect. 10. there is a great difference between Words and deeds: For Deeds signifie not by their first institution as words, nor are they alwayes signs, and therefore they have not alwayes the nature of a lye though done to deceive, and so our Saviour needs no excuse of Equivocation to save him from lying. But yet we need not insist on any of these observations. *Maldonat on the place* saith, *Christ did make shew as a stranger that he would go further, not to deceive them, but to shew that they were deceived, who thought he was not risen from the dead, as* Michaiah *did, when he bid* Ahab, 1 Kings 22. 15. *Go and prosper, not to deceive the King, but by irrision to shew the Prophets to be deceived. As when we say to a sick man, who thinks the Water made red, which we gave him, to be Wine, Take your Wine, wherein we lie not, but call it so Ironically after his Opinion.* But neither need we so to conceive it, nor do we conceive our Saviour meant Ironically. The words explain themselves, The word προσεποιειτο notes not simulation or deceit, but as *Erasmus* renders it, *præ se ferebat*, his Gesture *made shew*, our Translation, *made as though he would go further*, as when *Luke* 9. 53. *His Face was going to Jerusalem*, and *Mark* 6. 48. *He would have passed by them*, or as when he said, *Mat.* 8 7. *He would come and heal the Centurions Servant*, meaning if the Centurions Faith had not prevented him. So Christ did, *Luke* 24. 28. by taking his leave, or other words or behaviour signify his intent to go, and did so mean, and had so done had they not held him. For the Text saith expresly, *v.* 29. παρεβιασαντο αυτον, *They held him and constrained him to stay.* And so *Barradius* and *Ribera* on *Amos* 7. both Jesuites expound it. Nor was this any other thing then what might agree to his condition then, or their necessity, that he might make known his Resurrection. To conclude, to ease us of trouble in answering all that Jesuites idely alleage for their most impious device, this one rule may serve to answer them, that there is no Text they bring, for which expositors both antient and modern do not find a determinate sense from the use of the word, or other considerations, and therefore no need of recourse to mental reservation to salve the truth of the Speeches of Christ.

§. 10. No allowed actions of men warrant Jesuitical Equivocation.

They add some petty reasonings, as 1. Physicians are allowed to help Melancholick persons by devised tales.

Answer, They do not fain them, but declare them fained, and that so as in the end they open all, as *Michaiah* did,

1 *Kings*,

1 *Kings* 22. 17. But Jeſuites do fain onely to delude without diſcloſing the truth at all. *Lect.* 10.

2. Counſellours of Princes in examining may alleage, and conceal things otherwiſe then they are to diſcover ſecrets.

Anſw. It is true, they may, and ſo did our Saviour demand of *Philip* to prove him, *John* 6. 6. But neither did he, nor may they ſpeak that which is falſe for ſuch ends.

3. By Stratagems in war men hide their purpoſes, making contrary ſhews to what they intend.

Anſw. Deeds ſignifie only by agreement, ſuch as is not between Enemies, and therefore there is no lye in them, though they are done to deceive, upon preſumption they will be miſtaken, though it be not neceſſary. But in Oaths to uſe words or actions, contrary to their ſignification when there is agreement to expreſſe their mind by them, is notoriouſly to lye: the deceit being not from the miſtake of the deceived, but the falſe words of the Speaker.

4. May not a man hide ſome of his mind?

Anſw. He may, but ought to dye rather than ſpeak falſly.

5. *Words are to be taken as the ſpeaker means*, its a Rule, *Ex. tit. cap. Intelligentia de verb. ſignif. l.* 5 *Decret. Greg.*

Anſw. That clauſe is added to the Sentence of *Hilary*, *The underſtanding of ſayings is to be taken from the cauſes of ſpeaking, becauſe the matter is not ſubject to the ſpeech, but the ſpeech to the matter:* which ſhews that the Rule of Law is not meant of the meaning reſerved in the mind, but of the meaning of the words moſt agreeable to the matter or thing which occaſioned the ſpeakers words, when they may have more ſenſes then one.

6. Words ſpoken in jeſt or figuratively do not deceive, becauſe all know they are ſo delivered, therefore neither are men deceived, when they know there may be a reſervation, *in debita materia, in due matter.*

Anſwer, Words ſpoken in jeſt or by Figure, are known to be ſo by manner of ſpeech or common uſe. But it is otherwiſe in Mental Reſervations, which are concealed of purpoſe that others may be deceived.

The uſes of this are, 1. To manifeſt the extream impudence and impiety theſe Jeſuites are grown to, who ſtick not to maintain ſuch poſitions, as meer Moral Infidels have deteſted as the bane of Humane Society, and to practiſe a mani-

Lect. 10.

feit Art of Lying and Perjury to deceive their Governours, and Princes to whom they ought to be subject, which *Romans* would not use with *Carthaginians* their deadly enemies, and to impute such a practice unto Holy Saints, yea Christ, and God himself the God of Truth, which amounts to a high degree of blasphemy against them, and is one of the utmost degrees of audaciousnesse of men that *set their tongues against heaven, Psalm.* 73. 9. But how they have in other things also corrupted morality hath been so discovered in the book intituled, *The Mystery of Jesuitism*, that I need add no more. Onely if it be true that *Barnes* the *Sorbonist* was evil handled at *Rome* for his honest dealing in detecting them, we may easily guesse from what fountain such filthy devices come, and for whose purposes they serve.

2. It should be a caution to us to abhor this device, and to conceive of these men as of that race of men of whom the Spirit foretold, 1 *Tim.* 4. 1. *that they should speak lyes in hypocrisie, having their consciences seared with a hot iron*, and to take heed both of them and their wayes, remembring that of *Solomon Prov.* 12. 22. *Lying lips are abomination to the Lord: but they that deal truly are his delight.*

Oaths only right when Necessary:

Exod. 20. 7. *Deut.* 5. 11.

Thou shalt not take the Name of the Lord thy God in vain, for the Lord will not hold him guiltless that taketh his Name in vain.

Lect. 11. *Of Swearing in Judgement.*

§. 1. An Oath is to be taken in a judgment of discretion.

THE second Condition required by the Prophet, *Jerem.* c. 2. in an Oath is, that it be taken במשפט Gr. ἐν κρίσει Lat. *in judicio*, Engl. *in judgement*, which because of the various significations of the word משפט may be differently expounded. It is frequent in Scripture to joyn *Judgement* and *Justice* together, as *Isai.* 56. 1. *Keep ye Judgement and do Justice*, and then (as in the margin of our Translation) by *Judgement*, *Equity*, whereby the rigour and strictnesse of

of the Law is mitigated, ſeems to be meant. But this ſenſe is not to be conceived here; for Oaths are *ſtricti Juris*, of *exact Right*, and ſo ſuch moderation is not to be in Swearing: Nor doth the ſenſe of taking *Judgement* only for *Judicial tryal* (as *Prov.* 16. 10. & 21. 23. ſuit with the meaning, ſith that is too ſtraight, Oaths being allowed to the *Jews*, which were extra-judicial in many Caſes. Nor is *Judgement* taken for *Law*, *Manner*, *or Cuſtome*, as it is ſometimes: for in none of theſe acceptions can any congruous ſenſe be made of this Speech of the Prophet. Therefore there remains that only ſenſe, wherein the word *Judgement* is taken for *Reaſon*, *Prudence*, *Diſcretion*, *Conſideration*, oppoſed to *Fury*, *Ier.* 10. 24. to *Folly*, *Pſalm* 112. 5. Tranſlated by our Interpreters *Diſcretion*, and ſo, as *Aq.* 2*a*. 2*æ*. *q.* 79. *Art.* 2. *An Oath is to be taken judicio diſcretionis, with a judgement of diſcretion*, that is adviſedly, deliberately and conſiderately. And the reaſon hereof is, becauſe an Oath is not of thoſe things that are to be *per ſe appetenda*, *of themſelves to be deſired*, as *Auguſtin* ſaith, *Tom.* 4. *l.* 1. *De Sermone Domini in Monte*, and out of him, *Aqu.* 2*a*. 2*æ*. *q.* 79. *Art.* 3. and therefore may be abuſed, and ſo hath need of conſideration, and judgement before it be taken. Indeed all our ſpeech ſhould be conſiderate, ſith *life and death are in the power of the tongue*, *Prov.* 18. 21. and if *we ſhall be juſtified or condemned by our words*, as our Lord Chriſt ſaith, *Mat.* 12. 37. then we have need to weigh all our words before we utter them, eſpecially in matters of moment. For which reaſon Mr. *Perkins Expoſit.* on *Rev.* 1. 7 *reproves them that have ever in their mouths ſome weighty aſſeveration*: Much more then is it requiſite, that men be cautelous in their Swearing, which is a Religious affirmation with immediate addreſſe to God: and they are to be greatly reproved and condemned, who without fear and wit uſe the Name of God in Oaths. Surely the wiſe Man, *Eccleſ.* 9. 2. among the characters of a godly perſon puts this for one, *that he fears an oath*, if he fear not to take an Oath in ſome caſe, yet he fears how and when he takes it, and how he breaks it.

Lect. 11.

§. 2. Oaths not taken in judgement, if unneceſſarily.

The judgement of diſcretion which is to be in Swearing is to reſpect many things; whereof the firſt is to be the neceſſity of the Oath. For an Oath being good only when it is neceſſary, it is needful, that he who ſwears conſider what need there is of his Oath. *An Oath* ſaith *Aq.* 2*a*. 2*æ*. *q.* 79. *Art.* 5. *is not to be accounted among the things to be of themſelves deſired, but*

Lect. 11.

among those which are necessary to this life: which he useth unduly, whosoever useth them beyond the bounds of necessity. Now when an Oath is necessary, may be known by the end of the Oath, if it be a needful thing to be attained, and the improbability to attain the end without the Oath. The needful ends that may be conceived, are the promoting of Gods Glory in some speciall matter that tends thereto, as when *David sware*, Psalm 132. 2. *that he would not rest till he had found a place for Gods Habitation*: Or to the confirming of men in some truth of moment, necessary to their peace, as when *Paul* sware, *Gal.* 1. 20. concerning his conversation, and progress in Preaching the Gospel, that he might reduce the *Galatians* from their errour of holding a necessity of keeping the Law for justification. The like may be when it is necessary to comfort or encourage men in good, and sometimes for the clearing of a mans innocency, and the sincerity of his intentions, that he may preserve his Credit and good opinion in their minds for their good, as *Paul* doth often to acquit himself from lightness in not going to *Corinth*, 2 *Cor.* 1. 23. to preserve his due repute of advantage for furthering the Gospel, as he doth, 2 *Cor.* 11. 10. 31. to demonstrate the sincerity of his affection to fellow Christians, as he doth *Phil.* 1. 8. to vindicate himself from the imputation of deceit, and sordid ends, 1 *Thes.* 2. 5. for the ending of controversies and strifes among men by manifesting the truth of Facts, especially in judicature, as *Exod.* 22. 11. 1 *Kings* 8. 31. for assuring of constancy in purpose, 2 *Kings* 2. 2. for establishing of amity, as between *Jonathan* and *David*, 1 *Sam.* 20. 42. of peace between several Princes and States, as between *Abimelech* and *Isaac*, *Gen.* 26: 31. to assure of faithfulness in a thing of moment in the person intrusted with it, as when *Abraham* made his Servant Swear, *Gen.* 24. 3: and *Jacob* made *Ioseph* Swear, *Gen.* 47: 31: and *Ioseph* the Children of *Israel*, *Gen.* 50. 25. It must be for some needful end for mens good that an Oath is taken, not out of custome, in sport, passion or such like distemper of mind: Nor is an Oath to be taken or urged, but when a bare asseveration will not serve turn, either by reason of the weight of the matter, or the incredulity of those that are to be assured by the Oath, or by reason of the course of judicial proceedings requiring it, and the stability of Government much resting on it, or some other like cause which makes

makes it necessary for publick or private Peace, Safety, Justice, or Truth. *Lect.* 11.

It may be here asked, whether a Christian may lawfully swear in a matter secular, especially if it be of small moment, and for his own worldly advantage? *Grotius in Annot. on Mat.* 5. 34 conceives, that *when Christ forbad swearing at all he did not forbid swearing in a matter conducing to Gods glory as* Paul *did, but that as Moses Ben Maimon, the Greek Poets, Chœrilus, Menander, besides Epictetus, Plato, Hierocles on Pythagoras his golden verse, requiring reverence of an Oath,* Isocrates *dissuade from swearing in Money matters for our own advantage, or in a small matter for another, so Christ also conformably forbids such swearing.* But this is not gathered out of the Text, and though men should be very unwilling in Money matters, for their own advantage, or in small matters, that pertain to others to Swear, yet sith Peace and Justice even in these things is of great moment, and on small matters, especially in poor Families, great matters do depend, even the lives and safety of men industrious with their Wives and Children, so that if a little Money or a Beast be taken from them they may perish, it is necessary Oaths should be taken in such cases. And though we wish each man might have his own without making stealing of a Horse, or Robbing on the High-way a Felony which takes away life, and so Oaths were not in such matters tending thereto: yet sith as things are, experience shews that these things are necessary for the subsistence of the innocent, industrious and weak people, who else would be devoured by the stronger and more idle and luxurious, we are to conceive Christ not to have forbidden the taking of them, but that they may and are to be taken for such necessary purposes, though in secular matters and of no great value.

It may be further asked, whether he may be said to Swear of necessity, who is not cited to Swear, but offers himself to Swear, as he that offers to clear the truth of his own accord in a matter of tryal, when neither Party nor Judge, nor any other knows that he is acquainted with the matter, or when a person voluntarily takes his Oath against one that breaks the peace, or a common Swearer, drunkard, or upon serving a Writ or such like occasion?

To which I answer, if it be not malice, or Respect of persons

Lect. 11. persons and partiality, or some such like sinister motive which induceth him to offer himself thereto, but meer respect to Truth and Justice he may, and in case otherwise wrong Judgement is likely to proceed, or justice not be administred duly, he ought. For though he swear not of necessity as necessity is taken for compulsion by Authority, yet he swears of necessity in respect of the end of the Oath, to wit, the confirming of Truth, and in respect of the impulsive causes, to wit, love to Justice and charity to men, which do warrant the taking of the oath.

§. 3. A Religious, Calm, Inward mind should be in swearing.

2. A Second thing requisite to swearing in Judgement is such a fitness of disposition, as is meet for a person that swears, that it be in him especially then when he swears. Now forasmuch as an Oath is, in respect of the use and end of it, for confirmation of truth, and the ending of controversies, and the benefit of humane society, and it is in it's nature an Act of Religion, therefore in an Oath there should be consideratnes, 1. That when a man swears he have a Religious mind, that is a fear and awe of God whose Name he takes in his mouth in swearing. Rightly saith, *Aq.* 2ª 2æ. *q.* 89. *Art.* 3. *Devotion and Faith, and all things of this sort, which are required to the due manner of swearing are understood by swearing in Judgement.* And indeed if the sense of Gods Presence, his Omniscience, Omnipotence, and Justice be not in him that swears, he must of necessity profane the Name of God, which is undoubtedly no small disparagement to the greatness of the Divine Majesty. They that swear without thinking of God do make the great work of swearing, which is in it self one of the highest acts of Religion, no better then a jest and mockery.

2. As there is to be a Religious disposition, so there is to be a Charitable, Righteous, and Prudent composure of spirit and demeanour in all swearing; No Oath should be hasty and in passion, such as were the Oaths of the Israelites concerning the Children of *Benjamin, that they would not give their Daughters to them for Wives, Judg.* 21. 1. 5. Nor as *Davids* Oath concerning the destruction of *Nabals* House by reason of his answer to his Messengers, 1 *Sam.* 25. 21. Anger, Heat of Spirit, and all other corrupt affections, as they are bad ingredients in all matters that require Judgement, so specially in Oaths. He that gives way to himself to swear

in

in any malignity of mind will not ſwear rightly either in aſſertory or promiſſory Oaths. And therefore in all ſwearing there ought to be the greateſt ſerenity, Calmenes, and evennes of mind that may be. *Lect.* 11.

3. There muſt be alſo in ſwearing Conſideration of the thing or matter, which we ſwear about. And to this end, 1. In aſſertory Oaths we are to weigh our words and anſwers afore we deliver them. For if it be raſhnes in ordinary ſpeech to anſwer without Conſideration, according to that of *Solomon*, *Prov.* 18. 13. *He that anſwereth a matter before he heareth it, it is folly and ſhame unto him*; it is much more miſchievous in an Oath. And therefore it is needful to this end of preventing raſh anſwers, that a man that is to ſwear do punctually obſerve what he is to anſwer to, that he do not ſpeak falſe by ſpeaking much: For as *Solomon* ſaith, *Prov.* 10. 19. *In the multitude of words there wanteth not ſin*, nor by a long tale confound himſelf, or miſlead thoſe whom he is to inform by his Teſtimony, but have an eye to the point, and ſpeak briefly to it, that he may neither erre from the Truth, nor wander from the matter in iſſue, but by his words guide the Auditors without miſtakes, or tediouſnes. And ſurely if a perſon can underſtand the matter before he is to ſpeak to, as it is for the moſt part wont to be in judicial Tryals, he ought to examine before-hand what is right, both by calling to remembrance what he knows, and by weighing the meaning of ſuch words as he is to anſwer by, that he may not pervert juſtice by his ignorance or forgetfulneſs: nor bring a blot, or dammage to himſelf by his own Inconſiderateness. § 4. In aſſertory Oaths, the matter of the Oath ſhould be before conſidered.

It may be asked, whether it be not raſhnes for a man to take an aſſertory Oath in Judicature, whereby he is after ſo intangled, that he cannot anſwer without bringing himſelf into trouble and danger?

Whereto I anſwer, that if he do it of his own head or voluntary motion it is raſhnes, except the dammage be ſmall in compariſon of the benefit he may do by his ſwearing the Truth: But, if by power of the Magiſtrate for clearing of Truth and furthering of Juſtice he be required to ſwear, he is not to think he ſhall ſwear raſhly, who in obedience to Authority doth teſtifie the Truth, though it be to his dammage, becauſe he is to prefer Publick Judicature, and the proceedings

Lect. 11. ings of Juſtice before his own Security from Inconveniency, and ſome dammage. Yea it may ſo fall out that in caſe another mans Life or Eſtate is indangered for ſome act of which the perſon that is to ſwear is guilty and not the other, and becauſe of the act or deed, which if diſcloſed would ſave his Eſtate juſtly, though in juſtice it ruin his own, he that can do juſtice by diſcovering the truth may be bound to do it voluntarily, though it undo himſelf.

§. 5. In Promiſſory Oaths, raſhneſs is to be avoided.

2. In promiſſory Oaths we are to conſider what we ſwear to do or not to do, and to uſe circumſpection that we do not bind our ſelves to that which is unlawful, as *David* did, 1 *Sam.* 25. 22. and *Herod*, *Mark* 6. 23. or impoſſible for us to do, or to that which is inconvenient, and may be a ſnare to us, as *Saul* did, 1 *Sam.* 14. 24. when by a Curſe or Oath he bound the people not to eat till even, whereby the people were diſabled to purſue their enemies, moved to fly on the ſpoil, and to eat with the blood, and the life of *Jonathan* his ſon, by whom God gave victory, was much hazarded. And therefore Divines obſerve, that *God by the danger of Jonathan his ſon would teach Saul, what an evil a raſh oath is.* For though we are bound to keep an Oath binding to inconvenience when it is made, (as the Pſalmiſt, *Pſal.* 15. 4. deſcribes a holy man to be one *that ſwears to his own hurt, and changeth not*) yet we are to be wary, and conſiderate how we take an Oath. And to this end it will be requiſite, 1 That we ſhun haſty ſwearing, as *Solomon* adviſeth, *Eccleſ.* 5. 2. *not to be raſh with our mouth, nor our heart to be haſty to utter any thing before God: for God is in heaven and we upon earth, therefore our words ſhould be few.* The great diſtance between God, by whom we ſwear, and us earthen veſſels, together with the great importance of an Oath ſhould make us keep a Porter to watch the door of our lips, to obſerve what goes out thereof, chiefly in our addreſſes to God by ſwearing.

2. We ſhould ſhun too general Oaths, ſuch as *Herod* uſed, *Mark* 6. 23. when he ſware to the daughter of *Herodias that he would give her what ſhe would ask of him, even to the half of his Kingdom*, which brought him to yeld to that wicked act of beheading *Iohn Baptiſt*. Such a ſtrange Oath was that which Biſhop *Carleton* mentions, in his Relation of the Life of *Bernard Gilpin* to have been propounded by a Chaplain of the Biſhop of *Oxford* to one coming for Ordination, that

that *he ſhould approve of the Ordinations that had been, and were to be.* Lect. 11.

3. We ſhould take heed of ſwearing in drink, heat, paſſion, luſt, malice, rage or any ſuch like diſtemper of mind. *Davids* ſwearing in paſſion and rage, *Herods* ſwearing in drink and luſt cauſed them to ſwear thoſe direful Oaths, whereby the one was brought to do an horrible act of injuſtice, in depriving an holy innocent man of life, to gratifie his minion, the other to intend an act of cruelty, which if it had not been prevented, would have made his name ſtink among men, and drawn down Divine Vengeance. However ſome Poets have ſlighted the Oaths of perſons in their laſciviouſneſſe, as if *Oaths of venery had no ſet puniſhment*, as *Sophocles*, cited by *Stobæus ſerm.* 116. *that they reached not the ears of the gods*, as *Callimachus*, of Whores, Popular men, Thieves, Deceivers, Ambitious Perſons, as if *they were not grievous*, as in the ſame place the verſes of *Diphilus* and *Sophocles* import and ſome others ſlight Oaths in jeſt, play and Sport, yet the great God, whoſe Name is abuſed by them, will not let them go unpuniſhed.

4. When an Oath is exacted of us, there ought to be diligent Inquiſition into the matter and meaning of it afore it is taken. For, to uſe the words of Mr. *John Ley* in his *Defenſive doubts, &c.* p. 1, 2. *The Impoſition of an Oath (being regularly made to be a Jeal of Faith to thoſe that impoſe it) doth reaſonably preſuppoſe as much ſatisfaction, and confidence in him, that doth take it (touching the manner and meaning thereof) as by ſuch a ſacred atteſtation, may be ſet upon the mind of him that doth tender it. For, as the impoſer expecteth thereby to be aſſured of the intention and integrity of the taker of the Oath; So he that taketh it (that he may the better Imprint that perſwaſion in him) ſhould firſt be aſſured himſelf, that with a ſafe conſcience it may be taken. An hypocritical Oath (we confeſs) may beget a belief, but it is not lawfully begotten by any that doth not ſwear in ſincerity. We ought* (ſay the Miniſters and Profeſſors of *Aberdene* in their *General Demands*, p. 37.) *To judge of thoſe things we are to ſwear to, with the ſtrict and inquiſitive judgement of verity, and to ponder duly, and to propound particularly and fully to others (eſpecially to thoſe who require our Oath) to ſatisfie our conſciences there anent, and to anſwer all the doubts and reaſons, which make us unwilling and afraid to give our aſſent thereto.*

Lect. 11. Here a Queſtion ariſeth, whether a man when he is to enter into a ſociety, as ſuppoſe an Univerſitie, Colledge, Corporation, may adviſedly ſwear to obſerve the local ſtatutes, which he knows not?

Anſwer, I muſt acknowledge, that there is Cauſe to fear, that neither the impoſers, nor takers of thoſe Oaths, who are many of them young perſons, who know not well what an Oath is, or what belongs to the keeping of it, have that tenderneſs of Conſcience and Prudence, which were requiſite in Exactors, and takers of ſuch Oaths. And in the urging and taking of ſuch Oaths, and the Oaths of Copy-Holders to their Lords, and many more too too commonly taken without Scruple, and as ſoon forgotten, it were greatly to be deſired, that there were either a forbearance of them, or more care taken to enquire into them, and to expound them afore they are taken. Nevertheleſſe, things ſtanding as they now do, it is to be conſidered, that knowledge of what we promiſe by Oath or without Oath in ſuch caſes may be either exact upon Hearing, Reading or Examining of every particular, and this is much to be deſired and endeavoured by him that takes ſuch an Oath, as ſafeſt for the the peace of his own Conſcience; or elſe it may be ſuch as may be in a good meaſure ſatisfactory to conſiderate, and intelligent men, to wit, ſuch as is grounded upon the knowledge of them in part, ſtrengthened with the knowledge of the ſeverity of the framers, or reformers of the Statutes, the wiſdom and uprightneſſe of the exhibitors of the Oath, the integrity of many Wiſe and Godly men, who have taken the Oath without ſcruple before, or trouble of mind after, by the Common preſumption that they are right and good, and to a good end, the knowledge of the general limitations with which ſuch promiſes are by Divines commonly ſaid to be taken, to wit, that he promiſeth onely ſo far as he is able, the obedience is lawful, as they are in uſe, commonly underſtood, without wilful neglect or contempt, with Subjection to the penalty in caſe of diſobedience through inadvertency or weakneſſe without overthrowing or undoing or corrupting the ſociety, together with this charitable opinion, that Chriſtians would not exact of their Brethren any more then may ſtand with theſe limitations; Now in caſe exact knowledge cannot be had for want of time to ſearch,

ſearch, or by Reaſon of the difficulty or incumbrance which would be concomitant to the getting ſuch exact knowledge, or if there be any ſpecial reaſon of denying the means of exact knowledge from the Policy of the ſociety, and the benefit of admiſſion would be loſt, or fruit of obedience, if the Oath were differd, this later ſort of knowledg may free a perſon from the imputation of raſhnes in taking ſuch Oaths, unles the perſon who is to Swear, hear, or know of particular exceptions, and thereupon doubts of Conſcience ariſe: In which caſe he is to do as *Abrahams* Servant did, *Gen.* 24.5. To wit, to deſire explication and limitation of his oath: which ſo far as the exactors have power to yeld to they are to grant, and the perſon that Swears may without raſhnes or trouble of mind take the Oath. *Lect.* 11.

§. 6. In an Oath the form and rite of it is to be conſidered.

4. There ought to be Conſideratenes in Swearing, 1. Of the form of the Oath, that when we Swear, we Swear not by any Idol, or falſe God, but by the Living and True God, and therefore all ſuch Oaths, as wherein any Pagan or Popiſh Idol is ſworn by, are to be abandoned. And in thoſe forms of ſwearing wherein a Creature is mentioned (of the lawfulnes of which I have diſcourſed before, *Lect.* 6. §. 6.) Whether the expreſſion be at large or abbreviated, yet there is to be an actual reference to the true and living God, as he, by whom onely we Swear as the Judge of the truth of our Oath. And accordingly there muſt be actual minding and believing of Gods Preſence, Omniſcience, Power and Juſtice which are to be acknowledged in all Swearing, foraſmuch as without them Gods Holy Name is profaned.

2. Of the Ceremony or Rite to be uſed. There are ſome Ceremonies and Rites which aroſe from and have reference to Idolatrous Service, as to touch a Pagan Altar, or to hold a Crucifix to which Papiſts give the ſame worſhip they give Chriſt. Now the uſe of ſuch Forms and Ceremonies cannot be without Superſtition, and Idolatry which ſhould be far from any, who own the onely True God, and the Lord Jeſus Chriſt whom he hath ſent. I do not ſay, that a Form or Rite of Swearing is therefore unlawful, becauſe we find it not in Holy Scripture: But this may be proved out of Scripture, that the Forms and Rites in Swearing, which have been uſed for the Honour of any Idol or Idolized creature are to be relinquiſhed by Chriſtians as not agree-

ing with the Worſhip of the God and Lord of Chriſtians.

Lect. 11. And the Reaſon hereof is, becauſe, as I ſaid before, and Popiſh Writers acknowledge, an Oath is *actus latriæ*, an Act of Soveraign Worſhip due onely to the moſt High God. For which cauſe it is ſaid, *Deut.* 10. 20. *Thou ſhalt fear the Lord thy God, and ſhalt ſerve him, and cleave to him, and ſwear by his Name*: Thereby intimating, that as we are to fear, ſerve, and cleave to God, ſo we are to ſwear by his Name onely, and that when we Swear by his Name, we ſhould do it with fear of him, ſerving him and cleaving to him. Which is the more to be conſidered, becauſe, as experience ſhews, they that Swear by others then God do uſually regard more their oaths by them, then their oaths, wherein they ſwear by God. *Papiſts*, ſaith *Fredericus Spanheimius parte* 3ª *Dub. Evan.* 124. §. 11. *Swear promiſcuouſly both by God and by the Creatures, yea often with greater Religion by Creatures. And the ſame thing may be charged on Papiſts, which heretofore* Tertullian *in his Apologetique againſt the Gentiles charged againſt the Pagans, ſooner are men with them forſworn by all the Gods, then by the one Genius of* Cæſar: *And a little before, with greater fear, and more crafty timidity is* Cæſar *obſerved, then* Jupiter *himſelf from* Olympus. *So verily ſooner with the Papiſts is a man forſworn by God then by Reliques, and with far greater fear is the Creature obſerved, then God himſelf from Heaven. Even as alſo the Bleſſed Virgin yea and late made Saints are far more Religiouſly VVorſhipped by the Superſtitious Vulgar in the* Roman *Church, then God himſelf. There are proofes of this thing obvious every where in their practiſe and worſhip.* So great evils follow on the Superſtitious forms and rites of Popiſh Swearing.

From that which hath been ſaid, we may infer theſe uſes.

1. To manifeſt what danger there may be in taking Oaths, that ſo men may not haſtily run to them, but beware of raſh Swearing. *An Oath*, ſaith the Son of *Sirach*, *Eccleſiaſticus* 23. 11. *Is a VVord that is cloathed about with Death*, which is true when men by haſty Swearing, Swear inconſiderately, and provoke God thereby and damnify themſelves. We uſe to ſay, haſty men want not woe, which is true in other matters, but much more true in this matter of Swearing, which can neither prudently nor proſperouſly be performed without much conſideration, and caution.

2. To admoniſh all that are at any time to take an Oath whether

whether aſſertory or promiſſory to be conſiderate and circumſpect in the doing of it. It is a buſines wherein we have to do with God immediately, who hath *ὀφθαλμὸν ἐκδικον a revenging eye* if we Swear ſlightily: And it is a buſines in which men are very jealous, and much provoked, if we do not perform it with due regard to the end of it, there being much depending on it. They who hire or borrow Oaths to ſerve their turn hate the perjured perſon, and will neither truſt him, nor reward him, if they can avoid it, but, if they may do it ſafely, will forſake him. Sure God will not brooke that men ſhould play with oaths, in which his Honour is ſo much concerned, and therefore they that expect favour from him muſt be very conſiderate, that they no way defile the Name of God by inconſiderate Swearing. *Lect.* 11.

Vain Swearing is Sinful.

Exod. 20. 7. *Deut.* 5. 11.

Thou ſhalt not take the Name of the Lord thy God in vain, for the Lord will not hold him guiltleſs that taketh his Name in vain.

Lect. 12. *Of Vain Swearing.*

§. 1. Vain ſwearing is forbidden in the 3d. Command ment.

THe ſin oppoſite to Swearing in judgement is uſually termed Vain, Profane, and raſh Swearing. Which ſin is forbidden in the Commandement, לשוא being rendred in the Greek Verſion of the 70. by *ματαιος in vain*, By Aquila *εις κενὸν raſhly*, the *Targum* by a word that ſignifies what חנם in *Hebrew* δωρεὰν in *Greek* uſed, *John* 15. 25. notes, which is by the *Targum* expreſſed, *Pſalm* 35. 19. by the Word uſed *Exod.* 20. 7. and ſignifies *without a cauſe, in vain, without juſt reaſon moving.* And in this ſenſe שוא is uſed 1 *Sam.* 25 21. and elſewhere. So that we are to conceive not onely falſe ſwearing to be forbidden in the third Commandement, but alſo vain ſwearing, that is ſuch ſwearing as hath neither a neceſſary Motive, nor an end ſutable to that for which an Oath

Oath is to be uſed. Which is further confirmed in that, *Levit.* 19. 12. it is ſaid, *And ye ſhall not ſwear by my Name falſely, neither ſhalt thou profane the Name of thy God: I am the Lord.* Where the words do not onely forbid falſity in Swearing, but alſo profaning Gods Name, when it is uſed as a common thing, and not as holy contrary to the great and chief deſire that a Child and Servant of God ſhould have, that *his Name ſhould be Sanctified, Mat.* 6. 9. Which is not done, when either the proper Names of God, or ſuch Attributes or Appellations, by which he is deſcribed, or ſuch things as are appropriated to him are debaſed, negligently uſed in our Speeches and Expreſſions, without that reverence and eſteem, which is due to him. Add hereunto that our Saviour, *Mat.* 5. 34. forbids any *ſwearing at all*, which, as hath been before demonſtrated, is not to be underſtood of ſwearing, which God allowed *in Truth, Judgement and Juſtice*, but of that which is without a neceſſary cauſe in our Ordinary Speech, which our Lord Chriſt would have to be *yea yea, nay nay*, without an Oath. And to the ſame purpoſe doth the Apoſtle *James* ſpeak, *ch.* 5. 12. *Lect.* 12.

Fauſtus Socinus and the *Rakovian Catechiſme* do grant, that *our Saviour Chriſt forbad irreverent ſwearing in that prohibition*, Mat. 5. 34. *But they deny, that it was forbidden before in the Law of* Moſes, *which they conceive to have forbidden onely perjury or falſe ſwearing.* And the reaſon hereof is, becauſe they make Chriſt onely a more exact Lawgiver, and greater Prophet then *Moſes*, in ſome what alike manner as the *Mahometans* do of their *Mahomet*, whom they make to be the chiefeſt Prophet, *Maldonat* the *Jeſuite* alſo in his *Commentary on Mat.* 5. 34. ſayes, *that whereas thoſe words of the Law, thou ſhalt not take the Name of the Lord thy God in vain, did onely forbid perjury, Chriſt alſo forbad a true Oath if not neceſſary.* Which Opinion and Speeches of theirs are not right. For *Maldonat* himſelf confeſſeth on *v.* 33. that שוא *among the Hebrews as vain with the Latines ſignifies both that which is not neceſſary, and that which is falſe. And ſo not onely* Rabbi Abraham, *Exod* 20. 7. *But alſo our Interpreter*, Levit. 19. 12. *And Chriſt in this place interprets it.* In which paſſage *Maldonat* was much overſeen, both in that he conceived the word שוא uſed *Levit.* 19. 12. and that acknowledging Chriſt interpreting that word, as ſignifying that which is not neceſſary, yet denies that *Moſes* his

his Law did forbid an unneceſſary oath, but onely a falſe one. But ſome of the *Romaniſts* do more rightly declare our Saviours meaning. *Francis Lucas Brugenſis on the words, confeſſeth ingenuouſly that it ſeemed to him, that the Scribes did ſo expound and teach the Law of the Decalogue, Thou ſhalt not take the Name of the Lord thy God in vain, as if in the buſineſs of ſwearing, it did forbid nothing but perjury, and that he did ſatisfie it, who did not forſwear himſelf, and that our Saviour did reprove them by adding, But I ſay unto you, ſwear not at all: I ſay unto you, that much more is forbidden in that Law then they taught. So Abulenſis on* Mar. 5. *witneſſeth, Chriſt here to give the meaning of the precept of the firſt table, concerning ſwearing and perjury, becauſe, ſaith he, the Jews erred about ſwearing, as well in ſwearing, as in obſerving, and chiefly becauſe they thought to ſwear to be of it ſelf good. So in the things that follow, he ſhews that the Jews thought, thoſe two things onely to be required in an Oath, to wit that it ſhould be made in the Name of the Lord, and that the thing promiſed or ſworn ſhould be fulfilled, which being, ſaith he, as yet there were two errours, one becauſe they thought of the act of ſwearing to be of it ſelf good, as of praying or faſting, and therefore that it was to be often uſed, becauſe every Act when it is of it ſelf good the more frequently it is uſed it is the better, becauſe it is for the greater merit. The ſecond error was, becauſe they thought that whatſoever it ſhould be that ſhould be ſworn in the Name of the Lord whether it were good or evil, was to be fulfilled. But Chriſt (addes Abulenſes) takes away this, principally the firſt of theſe, to wit, that to ſwear is not to be frequently uſed as if it were good, by ſaying, that we are not at all to ſwear. But the ſecond to be taken away indirectly, becauſe by this that we are forbidden to ſwear, we are forbidden to ſwear as well that which is true as that which is falſe, as well that which is good as that which is evil.* By the opinion therefore of *Abulenſis* the Lord oppoſeth his words not to the Law or *Moſes*, but to the gloſſes and corruptions of the Scribes, and the perverſe Interpretation of the Law. But that Chriſt did not intend in the Sermon on the Mount to give new Laws, but to cleare the Law from misinterpretations hath before been argued, *Lect* 7. *Sect.* 10. Nor is it likely, that the Law ſhould not forbid vain Swearing, when *Solomon* deſcribes a godly man to be *one that fears an Oath*, Eccleſ. 9. 2. Even *Jeſus the Son of Sirach*, Eccleſ. 23. 9, 10, 11, 12, 13. Speaks thus, *Accuſtome not thy mouth to ſwearing: neither uſe thy ſelf to the Naming of the Holy One. For*

Lect. 12.

as

Lect. 12. *as a Servant that is continually beaten, shall not be without a blew mark: So he that sweareth, and nameth God continually, shall not be faultlesse. A man that useth much swearing shall be filled with iniquity, and the plague shall never depart from his house: and if he shall offend his sin shall be upon him: and if he acknowledge not his sin, he maketh a double offence, and if he swear in vain, he shall not be innocent, but his house shall be full of calamities. There is a word that is cloathed about with death: God grant that it be not found in the heritage of* Jacob, *for all such things shall be far from the Godly, and they shall not wallow in their sins. Use not thy mouth to untemperate swearing, for therein is the word of sin.* Yea and not a few of the Heathen Infidel Philosophers have forbidden vain swearing as well as perjury. *Plato* in the eleventh *Book of Laws* forbids *to use easily the Names of the Gods*, and *Epictetus*, *if it be possible refuse to swear at all*. And *Hierocles* on that of *Pythagoras*, *Reverence an Oath*, saith, *it engageth not onely to swear with intent of performing the oath, but also to abstain from an oath*, and *Quintilian*, *It little becomes a grave man to swear, unless when it is necessary. Clemens Alexandrinus* saith, *A Christian is not easily moved to swear.* Augustin: *Beware as much as thou canst, and as much as in thee lies an Oath.* It is observed by *Pagnin* that the Verb of swearing in the *Hebrew* is in the passive voice, to intimate as he conceives, and many with him, that a person should not swear actively or willingly, but passively or necessarily.

§ 2. Reason proves vain swearing sinful.

And there are weighty reasons why unnecessary swearing should be sinful. 1. Because by it Gods Name is abused, taken in vain, or profaned. Now it is a very great sin not *to dread*, much more to vilifie *that glorious and fearful Name the Lord our God*, as *Moses* speaks, *Deut.* 28. 58. That is said to be profaned, which is made common, whence Common and Unclean are made terms of the same sense, *Acts* 10. 14. Things of Choice, Pretious, Sacred, and of esteem are not commonly used, but with special regard reserved for special Times and Occasions. So should the Name of God be, not made an ordinary expletive of Speech, but then uttered, when some urgent cause requires it, which cannot be determined without it. It is accounted an abuse of a King, yea of an inferiour Magistrate to have his Name tossed in Subjects Mouths, to no purpose, upon every light occasion, without reverent regard to their dignity; Nor is it judged by wise men any thing tending to their honour, that their names

are

are used to countenance the great abuse of drinking Healths, whereby much excesse is occasioned. It is a far greater abuse, when the Name of the Blessed God (whom the *Seraphims* do continually laud, crying, *Holy, holy, holy is the Lord of Hosts, the whole earth is full of his Glory, Isaiah* 6. 3.) is sullied, and his Beauty and Excellency diminished by the customary, vain swearing of impure mouths, who make his Holy Name the burthen of their unholy Language. The blood of Children will rise, quarrels are often caused by the disgracing of their parents Names, when they hear them disparaged and contemned. Doubtlesse the Sons of God, the Holy Angels are much moved at the injury done to their Lord and Father, when his Name is abused by the impious swearing of profane spirits. *Solomon* adviseth *Eccl.* 5. 6. him that *voweth not to suffer his Mouth to cause his flesh to sin, neither to say before the Angel, that it was an errour*; and *Paul* to prevent indecency in the Assemblies of Christians, saith 1 *Cor.* 11. 10. *For this cause ought the woman to have power on her head because of the Angels*, intimating that the Angels are offended at such irreverence as is in sacred things, and that they are provoked against such abuses. Doubtles then it is no small evil, and withholds from persons the presence and assistance of the Holy Angels (which is no small evil) when by profane swearing they are driven away from the company of unholy persons, who are thereby the more exposed to the Temptations and Power of the Devil, to resist whom the Angels Ministry is appointed. Surely Heathen Infidels have many of them been of better mindes then many Christians; For they counted the Names of their God Sacred. And so would Christians, if Atheism were not in their Hearts, as well as profaneness in their Tongues. *Lect.* 12.

2. Vain swearing is an abuse of an Oath. An Oath is for weighty ends, to wit, the confirming of the Truth of mens sayings, the ending of Controversies, and the giving that assurance of one man to another, which may cause Commerce, and Amity necessary for humane society. It is also a part of Religious Service, and of immediate Worship of God, even that which the Papists themselves call *Latriam* or Soveraign Worship: Now as it is an high affront to Judges, Courts of Justices, Parliaments, Privy Council, to make a jest, or on a stage to expose to laughter their judicial pro-

Lect. 12.

ceedings, Consultations, Debates, or so much as mimically to personate them, whereby the great reverence and esteem which is due to them, and is necessary for the upholding their Authority is enervated; so it is much more an abuse which much provokes God, when that which should be for purposes of so great importance as the finding out Truth, confirming mens saying, deciding doubts, ending strifes, conjoyning men in Amity, promoting Humane Commerce and Society, shall be used lightly, as if it were a jocular matter, customarily, and in fashion like vain Complements, which no man conceives to have any Truth, Reality, or Seriousnesse in them. It hath been judged and made Criminal to expose to contempt the Liturgy by Enterludes, Ballads, Rimes, and such other usages, as cause the Divine Service to be slighted: And is not as great a penalty due to such as make Oaths their Sport, and so bring that appointment of God, which hath ever been counted most Sacred and Venerable among all Nations, into contempt? We justly abhor the practises of Witches, and Charmers who abuse Holy Prayers, even the Lords Prayer for Charms and Spels, whereby Satan is excited to play his Feats, and we count them sottish people who count such persons the better, because they use good Words, and good Prayers. We should in like manner abhor their usage, who turn the holy use of an Oath into a businesse of Sport, of Bravery, and Gallantry, not to shew their fear, but their fearlesnesse of God, and swear in rage not in serenity of mind, not with wise consideration as sober persons, but in a drunken mood or like mad men. Many of such persons are apt to revile at men averse from such practises as Fanaticks: But in a right estimation there are none shew themselves more like Fanaticks, that is, such as by the corrupion of evil spirits were for the time as distracted and bereft of their Wits, then those who in their fury, or ranting posture by direful imprecations and Hellish Oaths, shew that their Tongues are set on fire of Hell, and that it is not a Coal from Gods Altar, that hath touched their Lips, but from the infernal Dungeon, that moves and inflames them with such damnable abuse of Gods Holy Name and Holy Ordinance. He that should abuse Prayer and Preaching of Gods Word, and the reading of the Scripture to such purposes, as these men do swearing, would be justly counted execrable: Now

Now doubtleſſe ſwearing is an inſtitution alike holy with Prayer, Praiſe of God, Preaching, and Reading of Gods Word, and therefore the perverting of it to ſuch vain and impious uſages is alike ſinful as the contempt of Prayer, ſlighting of Gods praiſe, vilifying of the preaching and reading of Gods holy Word. *Leſl.* 12.

3. Which is alſo the more confirmed by that which our Saviour ſaith, *Mat.* 5. 37. *Whatſoever is more then theſe cometh ἐκ τοῦ πονηροῦ from evil or the evil one.* I find indeed *Auguſtin tom.* 4. *l.* 1. *De Sermone Domini in Monte*, Expounding this paſſage, as if *ex malo*, from evil might be the weakneſſe of him to whom we ſwear, not the ſinfulneſſe of him that ſwears. But then our Saviours reaſon had been inſufficient to forbid it: for that is unlawful to men, which comes from their own ſinful evil, not which comes accidentally from anothers evil infirmity. Therefore it is better expounded, it comes from the evil one, that is the Devil who is termed ὁ πονηρὸς *the wicked one*, *Mat* 13. 19. 38, 39. where he is expreſſed to be *the Devil*, and ſo termed, *Luke* 8. 12. and in like ſort the Devil is termed *the wicked one* often, as 1 *John* 2. 14. and 3. 10, 12. and 5. 18, 19. *Mat.* 6. 13. &c. Or elſe by *evil* is meant inherent ſinful evil, as an unhallowed heart, irreverence of God, Pride, Deceit, or ſome ſuch like evil affection as it is taken, *Mat.* 5. 11. & 6. 13. & 7. 17, 18. & 9. 4. & 12. 35. Either way it ſhews the original of vain and unneceſſary ſwearing to be from ſinful and evil cauſes, yea ſuch as are of the worſt ſort, and therefore is evil in it ſelf, as coming from Satan, and their own wicked hearts; which quite cuts off the plea, which is often made by perſons addicted to this ſin, that they are provoked to it: For the provocation were ineffectual, if their heart were not corrupt: Fire would not be kindled by ſtriking the flint and ſteel together, if there were not tinder, to receive the ſparks: ſo no outward provocations could have cauſed ſuch outragious, and vain ſwearing, as men are often overtaken with, were there not an evil heart apt to take fire, when by occaſions it is tempted. And for common cuſtomary ſwearing, whether of thoſe who uſe it by reaſon of ignorance of the evil of it, or thoſe who do it out of Gallantry, as they count it, or to vex, as they term them Fanatiks, it ſhews in the one an heart eſtranged from God, and his Excellency, in the other an haughty Malignant ſpirit againſt God,

Lect. 12. and a very ſpightful malevolent mind againſt their Brethren. Nor can it be juſtly counted to proceed from any other then an evil affection, ſith, as King *James* ſaith truly in his *Baſilicon Doron* the firſt book, *Oaths are but an uſe and a ſin cloathed with no delight nor gain*, and therefore are to be imputed to a venemous malignity of ſpirit againſt God.

4. Swearing vainly is therefore very evil in that as it commeth from an evil cauſe, ſo it produceth evil effects. Particularly *by aſſiduity in ſwearing men fall to perjury*: He that is a common ſwearer will ſometimes be a falſe ſwearer. This *Auguſtin* intimates in his *firſt book of the Lords Sermon on the Mount*, *tom.* 1. and before him the ſon of *Sirach* in the words forecited, *Eccleſiaſticus* 23. 9. 10, 11, 12, 13. With whom agrees the ſpeech of *Philo the Jew*, *that from much ſwearing comes falſe ſwearing*, with whom agree the Speeches of *Ulpian* the Civil Lawyer and *Hierocles* on *Pythagoras his Golden verſe concerning the Veneration of an Oath*. And too much experience in our dayes proves the ſame to be true it being frequent with them, that ſwear often to ſwear they will do that which they never perform, nor perhaps ever intend to perform, and by often ſwearing they are brought to that paſſe that they conſider not what they ſwear, whether it be true or falſe, nor oft-times whether they ſwear or not. So that whereas it was wont to be ſaid by ſome addicted to ſwearing, that they who would not ſwear would lye, we may upon the experience of former and latter ages more truely affirm, that they who ſwear much will both lye and forſwear themſelves.

§. 3. Vain Swearing is ſundry wayes with diverſe degrees.

If it be asked when it is that men do ſwear vainly, or not in Judgement, but Inconſiderately? The Anſwer is, 1. When a man ſwears unneceſſarily which is evil in it's kind, becauſe it is a profaning of an Holy thing: For he that ſwears without juſt cauſe doth both abuſe the Name of God, and the Oath, which are Sacred things, which are not to be uſed in trifling ſort, according to that old ſaying, *non eſt tutum ludere cum ſacris*, *there's no ſafety in playing with Holy things*. Beſides this ſin is much aggravated by the Cauſe: If it be from Cuſtome it is ſo much the more evil, in that it is done out of an evil habit: for ſins habitually committed are worſe then thoſe which are from a particular provocation. If it be committed out of bravery, then it ſhews more pride

and

and audaciouſnes of ſpirit, and ſo is a ſin of preſumption with an high hand, which is a greater ſin then when it is committed out of ignorance, or blind devotion. If the ſin be committed after warning, and reproof, the more often, and more convincing the reproof was, the greater was the ſin, becauſe with greater obſtinacy and hardnes of heart. And the very needleſnes of it, when a perſon hath but heard ſo much againſt it, as could not but in reaſon cauſe him to doubt of the lawfulnes of his courſe, ſhews the ſin to be little leſſe then purely wilfull, and the heart to be bent to do what God forbids, becauſe he forbids it. *Lect.* 12.

2. Then a Perſon Swears not in Judgement, when he ſwears in anger: For *Anger*, ſaith the old verſe, *Hinders the mind that it cannot diſcern Truth.* Raſh anger is evil of it ſelf, it being a kind of murther and provoking to murder, and therefore our Lord Chriſt makes it a breach of the Commandment which forbids murther, *Mat.* 5. 21, 22. But it is evil alſo, if it proceed not ſo far, in that it doth corrupt the underſtanding, and diſorder the Tongue. Therefore *Solomon* adviſeth, *Eccleſ.* 7. 9. *Be not haſty in thy Spirit to be angry: for anger reſteth in the boſome of fools*, and *James*, ch. 1. 19, 20. *Let every man be ſwift to hear, ſlow to ſpeake, ſlow to wrath. For the wrath of man worketh not the Righteouſneſs of God.* And one diſorder of the tongue is in ſwearing paſſionately, which is often cauſed by raſh anger. Thus did *David* ſwear in his rage, 1 *Sam.* 25. 22. *So and more alſo do God unto the Enemies of David, if I leave of all that pertain unto Nabal by the morning Light, any that piſſeth againſt the Wall.* Which if it had not been prevented would have brought horrid guilt upon him. The like is to be ſaid of ſwearing in drink, when the underſtanding is clouded, or with delight, as glorying in it, or for companies ſake to gratify others, which are in theſe dayes too frequent, ſo that men care not to damne their own ſouls by ſinning againſt their knowledge and profeſſion to avoid the reproach of ſtrictnes in Religion, which would be their honour, and to ingratiate themſelves into their favour, who hate their Hypocriſy, and deride their ſinful compliance with them. Whatever ſinful affection, or undue motive it be that excites to ſwearing, it is not without taking Gods Name in vain, and the more miſchievous and venemous the fruit of it is, the more pernicious is the ſwearing.

3. Then

Lect 12. 3. Then a perſon ſwears not in Judgement, when he doeth not advifedly ponder what he ſwears. For as *Seneca* in his *Medea* ſaith, *He that gives ſentence till he have heard both parties, though he may give a right Sentence, yet he is not equal in Judging*: So he that Swears without Conſideration of what he Swears, though by accident he Swear Truth, yet he is not without ſin in ſwearing raſhly. And if it be a promiſſory Oath it is likely he will inſnare himſelf, ſo as that ſome evil or other will follow on his Swearing, which will occaſion his Repentance of his oath. Wherefore God appointed in the Law of *Moſes*, *Levit.* 5. 4. 5. *That if a Soul Swear Pronouncing with his lips to do evil or to do good, whatſoever it be that a man ſhall pronounce with an Oath, and it be hid from him, when he knoweth it, then he ſhall be guilty in one of theſe, and it ſhall be when he ſhall be guilty in one of theſe things, that he ſhall confeſſe that he hath ſinned in that thing.* In which paſſage if *thoſe things* were Ceremonial Pollutions mentioned, *v.* 2, 3. Yet if by reaſon of his raſh ſwearing he was guilty of them, though he were ignorant of his guilt, when he knew it, he was to confeſs his ſin and to bring his treſpaſſe-offering, that the Prieſt might make an atonement for him. How much evil comes by not conſidering what we ſwear may be diſcerned by *Jephthahs* vow, *Judges* 11. 30, 31. and *Herods* Oath, *Mark* 6. 23. An Oath is *a bond of the Soul*, which, if a man conſider not before what he pronounceth with his lips, may ſo binde him, that he may never be at liberty, nor, as we uſe to ſay, be his own man again.

4. It is Swearing not in Judgement when a perſon in Swearing uſeth ſuch Forms and Rites as ſtand not with true piety. Wherefore the Lord complains of the Iſraelites, *Amos* 8. 14. and threatens thus, *They that Swear by the ſin of Samaria, and ſay, thy God O Dan liveth; and the manner of Beerſheba liveth, even they ſhall fall, and never riſe up again.* Yea God deteſted ſo much Swearing by an Idol, that he refuſed the Name of *Baali*, though otherwiſe a name which might be given to God, becauſe it had been the uſual term given to that Idol *Baal*, *Hoſeah*, 2. 16. *And it ſhall be at that day, ſaith the Lord, that thou ſhalt call me Iſhi; and ſhalt call me no more Baali, For I will take away the Names of Baalim out of her mouth, and they ſhall be no more remembred by their Name.* So averſe is God from accepting of any ſervice that is Idolatrous

trous and Superſtitious, that he rejects the very terms, which have been uſed by perſons in the committing of thoſe ſins. When the Apoſtle prohibits *Saints the naming of Fornication, Uncleanneſſe, Coveteouſneſſe as not becoming them*, *Epheſ.* 5. 3, 4. Undoubtedly he forbids Swearing by Idols, and the uſing any of the Forms or Rites by which Divine Worſhip hath been given to any beſides the Living God, and therefore it cannot be any other then Impious to Swear by the Maſſe, Roode, Lady, Croſſe, to hold a Crucifix, to go to Maſſe or any other way, wherein the Popiſh or Pagan Superſtition and Idolatry is continued, to engage our ſelves in Swearing. *Lect.* 12.

From hence may be inferred. 1. An uſe of reproof of the impiety and wickednes of a great number of men in this Nation, who are addicted out of all meaſure to this great enormity of vain and profane Swearing, inſomuch that whereas heretofore it was counted the peculiar ſin of the Engliſh to be gluttons, the ſins of drinking and ſwearing exceſſively heretofore imputed to other Nations are now chargable on the Engliſh, and we may be upbraided to our reproach for imitating out-landiſh manners, as well as out-landiſh habits. Notwithſtanding all the endeavours of Preachers in this land for many years to turn men from it, notwithſtanding the penalties, to which Laws Civil and Eccleſiaſtical adjudge men for practiſing this ſin of vain and profane Swearing, yet it hath infected all ſorts of men, Noble and Ignoble, Old and Young, Poor and Rich, I wiſh we might not ſay, Magiſtrates and Miniſters, Governours in Civil, and Eccleſiaſtical matters: Inſomuch that we may term it the Epidemical diſeaſe of *England*, and fear leaſt, unles Miniſtry and Magiſtracy and Governours of Families, and Schooles be more ſevere in their reprehenſions, and Vigorous in their Executions of Juſtice on the guilty, this Leproſy will ſpread ſo faſt, that there will be but few free from this Plague. For now ſwearing vainly and that in the moſt helliſh Blaſphemous manner which can be contrived, is made with ſome a great part of Gallantry, and they can hardly eſcape the imputation of Fanaticks, yea and diſloyal Perſons, who have not learned to ſwear bravely, it's made a point of Faſhionablenes, a Grace, an Ornament of ſpeech to toſſe the dreadful Name of the Living God in their mouths

§. 4. The People of *England* are reproved for vain ſwearing.

as

Lect. 14. as they that ſport do tenis-balls, or rather ſpurne it as a foot-ball: It is but as an Adverb or Expletive of ſpeech, the name of Jeſus Chriſt, his Blood, Wounds, Paſſion are, as *Salvian* ſaid of his time, *lib.* 4. *De Gubernatione Dei, non Sacramentum ſed ſermo*, not as a holy matter, but as a trivial proverb: In all Meetings and Companies for ſecular buſineſſes, ſuch as are Feaſts, Markets, Games, and ſuch like, when men are not awed by the preſence of grave and ſevere perſons, eſpecially in Ale-houſes (where wickedneſs abounds) a man ſhall hear few words ſpoken without ſome tincture of this ſin. Yea ſome are ſo inſatiable therein, that they force men to joyn with them in their madneſſe of this kind, they lay wagers who ſhall ſwear moſt, glory in inventing variety of the moſt outragious Oaths, and vy one with another therein. Mr. *Robert Bolton* in his *Sermon on* 1 *Cor.* 1. 26. p. 227. hath theſe words, *I know a man which in his life time was given to that fearful blaſphemous ſin of ſwearing, who coming to his death-bed, Satan ſo fill'd his heart with a madded and enraged greedineſſe after that (moſt gainleſſe and pleaſureleſſe ſin) that though himſelf ſware as faſt and furiouſly as he could, yet (as though he had been already among the damned and blaſphemies of hell) he deſperately deſired the ſtanders-by to help him with oaths, and to ſwear for him. Incredible rage, prodigious fury!* Sure it is the wonderful patience of God, that for ſuch monſtrous affronts of his Eternal Majeſty he doth not ſend down fire and brimſtone from heaven to conſume men (as he did on *Sodom*) whereby like the old Giants, as much as in them lies, they proclaim war with God, and attempt not onely the debaſing of Authority of Magiſtrates, Miniſters, Parents, Maſters, Tutors, but alſo the dethroning of God, and trampling under foot his moſt Sacred Dignity: and, as if they were confederate with Satan, with all the deſpightfulnes they can ſpit out their venome into the very face of their Almighty Creator. The very *Romane Catechiſm in the Preface to the Expoſition of the ſecond Precept* (with them, with us the third) complains of it, and ſaith, *The Pariſh Prieſt cannot uſe diligence enough to ſpeak againſt it.* If holy *Chryſoſtome* were alive, who in his *Sermons ad populum Antiochenum, Tom.* 6. did with ſo much earneſtnes inveigh againſt this ſin, that he told his Auditors *he would not give over preaching againſt it till they gave over acting it*, how would his ſpirit be ſtirred and his golden tongue ſharpned againſt this gene-

generation, in which men are ſo wilfully and furiouſly carried after it, and impenitently perſiſt in it? One perhaps, when told of it, will ſay, *What a beaſt was I?* but never take heed of it for the time to come: Another will plead, *it was before he was aware*: and yet not the more wary after to avoid it: But a great number will defend their ſin, and be ready to fly in his face with indignation, that ſhall rebuke them for it. Many are become by cuſtome ſo frequent in ſwearing, and ſo ſenſeles of the evil, that when they have fearfully ſworn, if checked for it, will preſently ſwear they did not ſwear. O the ſtrange ſtupid hardnes of mens hearts and blindnes of their minds, that have gotten ſuch a ſeared conſcience, and brawny heart, that they are inſenſible of that ſin, that all condemn, and all that know them are ſo acquainted with as to admire their impudence in denying it! Surely we may juſtly conceive, that the evils on us are inflicted for this among their ſins, and that it is true of us what the Prophet *Jeremiah* ſaid of *Judea* in his time, *Jerem.* 23. 10. *Becauſe of ſwearing the Land mourneth.* Lect. 12.

Nevertheles men want not their pleas or excuſes for this ſin. One plea, is that Swearing is a part of Gods worſhip, and therefore it cannot be evil to uſe it often. To which I anſwer, it is true, ſwearing is a part of Gods Worſhip, when it is rightly performed: neceſſary ſwearing is a part of Gods ſervice, but not vain ſwearing. Prayer is Gods ſervice, but not when there is vain babling, or hypocritical oſtentation. Swearing is not one of the things that are good of themſelves, but in order to their end, which when it is not intended the thing it ſelf is corrupted, and becomes ſin to the perſon that abuſeth it. §. 5. The plea are vain which are for vain ſwearing.

Yea but ſay they, they may be allowed to ſwear while they ſwear nothing but Truth. To which I anſwer, this onely excuſeth them from one ſin, to wit, that of perjury, it doth not acquit them from the ſin of vain ſwearing, yet experience hath ſhewed and reaſon confirms it, that they who ſwear vainly will either unawares or wilfully ſometimes ſwear falſely, it being in a manner impoſſible, that he that often Swears, ſhould either be heedful of what he ſaith, or have ſuch command of his tongue as not to ſwear untruly as well as unduly. But ſay ſome, they will not believe me unleſſe I Swear. To which I anſwer, If it be in a neceſſary or

Lect. 12.

weighty matter thou mayeſt Swear to confirm Truth and to free others from incredulity. Biſhop *Downam* on *Pſal* 15. 4. ſaith, *Neither doth our Saviour Chriſt ſimply condemn all Oaths in our ordinary talk, but ſuch as are needles or ſuperſtitious*: But if it be in a light matter thou muſt by no means tranſgres Gods precept to ſatisfy mens minds: much leſſe when it is only for thine own advantage, and to deceive others by putting off Commodities at a dear rate, which is the occaſion of this plea for the moſt part. Beſides ſeldom is a man believed the more, but the leſſe rather for frequent vain Swearing: For how can his Oath be of more credit then his word, whoſe Oath is as common as his word?

Yet they tell us, that they ſwear but petty Oaths. To which I anſwer, no Oath that is ſuch can be a petty Oath, ſith every Oath by our Saviours Doctrine (which is not by an Idol, but is in a form allowed) is reduced to Swearing by God, *Matth.* 23. 20. If it be after an Idolatrous Form or Superſtitious Rite (as moſt of thoſe are which perſons call petty Oaths) it is worſe then if thou ſwareſt by God. The Truth is, this is the plea of the moſt ignorant, who have reliques of Popery in them, who were wont to plead for their Popiſh Oaths, as Mr. *Perkins* in his *Preface before his Catechiſme* relates, *that a man may Swear by the Maſſe, becauſe it is nothing now, and by Lady, becauſe ſhe is gone out of the Countrey*, and now if they ſwear not by God, Wounds, Blood, or the like, think they may ſwear by Maſſe, Lady, or the like Oaths: which are more abominable, as being by thoſe things, which have been worſhipped with Divine worſhip.

But they ſay, they do but as others do, except ſome few preciſe people, who will lye though they do not ſwear. To which I anſwer, This is no excuſe before God, who hath long ſince warned us, *That we do not follow a multitude to do evil*, *Exod.* 23. 2. Yea thy ſin is aggravated the more, becauſe by joyning in common ſins thou helpeſt to bring on Common Plagues, which thou ſhouldeſt endeavour to prevent by thy humiliation and amendment. If others play the hypocrites, and be damned, this will not eaſe thee in hell, but will rather encreaſe thy torment, who couldeſt inveigh againſt others and condemn them not to reform them, but to be a cloke for thine own wickedneſſe.

They ſay further, that they think no harm. To which I anſwer,

answer, No Prince will allow a man to use his tongue, as he pleases, to his dishonour, and put it up, because he sayes he thought no ill; much lesse will God tolerate thy profaning his Name by vain Swearing upon pretence of intending no hurt. But know that this is but a meer pretence: For an evil Tongue shews an evil Heart, sith as our Saviour saith, *Mat.* 12. 34, 35. *An evil man out of the evil Treasure of his heart bringeth forth evil things: For out of the abundance of the heart the mouth speaketh.* And that of *Zanchius*, *Tom.* 4. in 3um *Precept. Loc. de Juram. Thes.* 8. is true, *There cannot but be an evil mind, where an evil custome hath gotten hold.* *Lect.* 11.

But they say, it is their use and they cannot leave it. Whereto I answer, this of all Pleas is the worst, sith this very plea is from his own mouth an Argument of much wickednes, when sin is customary. God argues, *Jerem.* 13. 23. That the Jews were very desperately incurably evil, when he said, *Can the Leopard change his spots, or the Blackamore his skin? Then may ye that are accustomed to do evil learn to do well*: Will any plead for a Thief by way of excuse, that he hath often stollen, and he cannot leave it? Do not all think this a reason to hasten his execution? The like Sentence might be past justly on him that pleads his custome in swearing that he cannot leave it, that therefore God may more justly cut him off and cast him to Hell. That which *Augustin Tom.* 10. *Serm.* 28. *de verbis Apostoli* saith, is to better purpose, *Major Consuetudo majorem intentionem flagitat*, that *because thou hast used thy self to this sin, thou shouldest be the more intentive to thy words that thou mayest leave it.* And surely did such persons fear Hell and Gods Wrath they would leave it, sith a pecuniary mulct, or the dread of some persons of whom they stand in awe doth make them forbear it. If it were made High Treason against a King as it is against God it would be left. But it is easy to perceive that such pleaders are not willing to leave their sin, sith they never confes it to God as their sin, nor mourn for it in secret, nor pray for pardon with penitent tears, nor for power against it, nor use any watch over their words or other means to help themselves against it, but to shew their wilfulnes swell and hate them that reprove them for it. And if they in an overly manner, when they are told of it, say, God forgive me, yet they hypocritically purpose to continue in it without ad-

Lect. 12. dreſſing themſelves to uſe of Gods Word, Holy Teaching, and good Company, which might be a means to turn them from it. Certainly there's no outward Act of the members, over which the will hath a deſpotick power, but it might in time and by degrees be left, if the will were ſo ſeriouſly bent againſt it, as it ſhould, and endeavours uſed ſtrenuouſly as they ought to be.

§. 6. Admonition and directions againſt vain ſwearing.

2. Vain Swearing being ſo evil, as hath been ſhewed, and ſo common as experience manifeſts it to be, it is neceſſary that all be admoniſhed, thoſe that have been guilty of it to repent of it, to confeſſe it before God with humiliation and contrition of Spirit, and both them and all others to take heed of it, and all that have power over others as much as lies in them to ſuppres and reform it. *Auguſtin* in his 23. *Serm. de verbis Apoſtoli, Tom.* 10. Preſſeth much the words of the Apoſtle *James*, *Above all things, my Brethren, ſwear not*, as minding Chriſtians, *That before all they ſhould attend, that they ſhould watch leſt the cuſtome of ſwearing creep upon them. We have ſworn*, ſaith he, *we have had every where that moſt ſtinking and deadly cuſtome. I ſay to your charity, ſince we have begun to ſerve God, and have ſeen what evil is in perjury, we have feared vehemently, and by fear have bridled that moſt drowſy Cuſtome.* It was one of the requeſts that Dr. *Robert Barns* burned in *Smithfield* in the year, 1541. (as Mr. *Fox* in his *Book of Acts and Monuments* relates) made to *King Henry* the 8th. afore his death, *That the abominable ſwearers might be puniſhed and ſtraitly looked upon: For the vengeance of God will come upon them for their miſchievous Oaths. And then deſired he* Mr. Pope *to have him commended to* Mr. *Edgar, and to deſire him for the dear blood of Jeſu Chriſt, that he would leave that abominable ſwearing which he uſed, for ſurely except he did forſake it, he would come to ſome miſchievous end.* Me thinks any that hath the Spirit of a Chriſtian ſhould be moved by ſuch a ſerious obteſtation of a Holy Martyr ſo inſtantly preſſing the leaving and repreſſing the ſin of profane ſwearing, when he was ready to be offered as an Holocauſt, and that ſo earneſt an admonition of ſo godly a man as *Auguſtin* was ſhould prevail with thoſe, that bear any reverence to antiquity, to leave ſo evil a cuſtome. But moſt of all the monition of the Apoſtle *James*, warning Chriſtians *above all things not to ſwear*, *James* 5. 12. and before him our Lord Chriſts expreſſe command *not to ſwear at all*, *Mat.* 5.

34.

34. but charging Christians, that their *Communication should be yea yea, nay nay*, telling them that *what was more then these cometh of evil*, should move Christians to take heed of this unnecessary practise. Sure it is not a small Crime to abuse, and pollute the Name of the most Holy, and to make so Sacred a thing as an Oath the matter of our Sport. If there be any reverence of God, there will be a Religious fear of an Oath, and he that dreads God, will tremble to abuse the Name of the great God to serve for venting his Pride, Passion, Lust, Revenge and Malice. Let all that love God abhorso to do, and every Magistrate, Parent, Master, Friend, Neighbour seek to quench this sin which may otherwise in time set on fire our Houses, Bodies, and Souls in Hell Fire. Gods Judgements are threatned against it in Scripture, Histories tell us of fearful examples of Divine Vengeance, and it is not unlikely our own experience yelds some. Oh let all the Warnings by them, and the admonitions of Holy Persons prevail with us to abandon it. And to this end

Lect. 12.

1. Avoid the causes of this Sin, Ignorance, Rage, Pride, Vain-glory, seeking to please men, and to conform to the fashion for fear of being Despised, Abused, Damnified, and if there be any other evil affection that provokes thee to practise it.

2. Avoid the company of vain swearers, who do much ensnare men, especially those who have sold themselves to do wickedly, and therefore strive who of them shall be most audacious, and copious in Oaths, and use to quarrel with them, sometimes to the shedding of their blood, who will not joyn with them in this mad and damnable practise. The company of such is more dangerous then to be with them that are infected with pestilence, sith these indanger the body onely, the other soul and body for ever. It's vain to presume to be with them untainted: either thou must reprove them which they cannot brook, but will be weary of thee and vex thee, and make thee weary of them, or else connive or imitate them, and so be guilty.

3. Set a *watch over thy mouth*, and pray God *to keep the door of thy Lips*, Psalm 141. 3. *The tongue*, saith *Augustin*, *tom.* 10. *Serm.* 28. *de verbis Apostoli*, *is easily moved*, *it is put in a moist place*, *it easily slides in a slipery place*. *By how much the sooner and more easily it is moved by so much be thou fixed against it. Thou*

wilt

Lect. 12. *wilt tame it, if thou watch, thou wilt watch if thou fear, thou wilt fear if thou mind that thou art a Christian. Let it not be done to day, to morrow it will be done more slowly.* Swear not to day in thy Company, be sparing of Speech at all times, most of all *when the wicked are before thee*, Psal. 39. 1.

4. Live uprightly, and inure thy self to speak Truth, and then men will believe thy Word better then others Oaths. *Cicero* in his *Oration for Balbus*, relates, that *when one of the Greeks that had lived gravely and holily with them, and gives his testimony publickly, went (as the manner of the Greeks is) to the Altars to swear all the Judges with one voice reclaimed, that he might not swear*, the same or the like to it is said of *Zenocrates*, by *Alexand. Genial. Dier. l. 5. c. 10.* Still more account hath been made by wise men, of a man constantly honest, and true in his Speeches, his bare word, then of some others Oaths.

5. *Augustin* adviseth *one Neighbour to admonish another to take* heed of it, which is a general means against all sin. The Council of *Orleans* cited by *Lumbard* 3. *sent. dist.* 39. *Aqu.* 2a 2æ *q.* 89. *would have men swear fasting.* *Pope* Cornelius *forbad*, saith the *Roman Catechism* on the third *Precept* (with them) ch. 3. *a boy to swear till he be fourteen years of age.* But none is more effectual then Gods severe prohibition in the Commandement, *not to take his Name in vain*, threatning *not to hold him guiltlesse that takes his Name in vain*: which if any adventures to break, no bars will hold him.

All Swearing should be in Righteousnesse.

Exod. 20. 7. *Deut.* 5. 11.

Thou shalt not take the Name of the Lord thy God in vain, for the Lord will not hold him guiltless that taketh his Name in vain.

§ 1 Swearing in righteousnesse is to be sundry wayes.

Lect. 13. *Of Swearing in Righteousnesse.*

THe third condition required by the Prophet in an Oath is בצדקה Gr. ἐν κρίσει *in Justice or Righteousnesse.* Now the term *Righteousnesse* hath many acceptions, and in sundry of

of them Oaths are to be taken. As in general, Truth is mea- *Lect.* 13.
ſured by the Mind or Underſtanding of God, which is the firſt Original Truth, and ſo the Standard of all Truth, and all Truth is a conformity to it, ſo Righteouſneſſe is meaſured by Gods Will, which is the Original rectitude, and the Standard of all Righteouſneſſe, and all Righteouſneſſe is a conformity to the Will of God. Philoſophers count Juſtice or Righteouſneſſe a Moral Vertue that *hath reſpect to another*, as *Ariſtotle* in the fifth of his *Ethicks ad Nicomachum*, *the firſt chapter* determines, and *that it is the beſt of vertues, not a part, but entire vertue, ſimply vertue, that in it according to the ſentence of* Theognis, *every vertue is comprehenſively, that neither the morning nor evening Star are ſo admireable as Righteouſneſſe, that it is the moſt perfect vertue, becauſe it is the uſe of the moſt perfect vertue, becauſe he who hath it can uſe vertue towards another, and therefore is the hardeſt work, and that it is anothers good, and denominates a man the beſt man, becauſe he is the beſt man who is good, not to himſelf, but to others; That that is juſt which is legal and equal, Juſtice the habit by which we will and practiſe things juſt.* In the beginning of *Juſtinians Inſtitutions*, it is defined a *conſtant and perpetual will of giving to each one his owu.* All which determinations are right. But in the uſe of the Holy Scripture, the ſenſe of the term Righteouſneſſe is ſomewhat larger, and different from what it is in other Authors, yet in moſt of the ſenſes in which it is taken in Scripture, ſwearing ought to be in Righteouſneſſe.

1. *Righteouſneſſe* is taken for Gods Righteous Laws, as when *Pſal.* 119. 142. *Thy Righteouſneſſe is an everlaſting Righteouſneſſe, and thy Law is the Truth*, v. 144 *the Righteouſneſſe of thy Teſtimonies is everlaſting.* And in this ſenſe I conceive it meant, when *James* ſaith, ch. 1. 20. *The wrath of man doth not work the Righteouſneſſe of God*, that is his Righteous Commands or Will, for his Will of decree may be brought to paſſe by mans wrath, as in *Herods* ſlaughter of the Children of *Bethlehem*, *Mat.* 2. *Sauls* rage, 1 *Sam.* 22. but not his will of Precept or Command, which the verſes 18, 19. and after 21, 22, 23, 24, 25. lead us to conceive meant by Righteouſneſſe, *James* 1. 20. Now in this ſenſe, ſwearing is to be according to Gods Law in Righteouſneſſe. But this is too general, and makes no diſtinction between ſwearing in Truth, and Judgement and Righteouſneſſe, which are all of them to be according to Gods precepts.

2. *Righ-*

Luk. 13. 2. *Righteouſneſſe* is taken in Scripture for the ſtate of a perſon, whereby he is freed from Puniſhment, Accuſation or Condemnation, which is uſually termed Legal Righteouſneſſe. In which ſenſe it is taken, *Iſa* 5. 23. *Wo unto them which juſtifies the wicked for reward, and take away the Righteouſneſſe of the Righteous from him*, that is by an unjuſt Sentence deprive him of that ſtate of freedom from Accuſation, Condemnation and Puniſhment which is due to him. And in this ſenſe it is often taken in the Epiſtles of *Paul* to the *Romans* and *Galatians*, in the handling of the point of the Juſtification of a ſinner before God. And in this ſenſe I conceive it may be taken, *Jerem.* 4 2. and the meaning be, that every Oath be taken, without making by it a perſon obnoxious to Condemnation, who is not guilty, by which means the Righteouſneſſe of the Righteous is taken from him: yet this is too ſtrait, being proper to aſſertory Oaths in Criminal cauſes.

3. *Righteouſneſſe* is taken for the Habit or Diſpoſition of mind whereby a perſon is inclined to do what God requires of him, as it is ſaid of *Zacharias* and *Elizabeth*; *Luke* 1. 6. *that they were righteous before God, walking in all the Commandements & Ordinances of the Lord blameleſſe*: that is, they had a will to do it, and in uprightnes of heart they did perform it. In this ſenſe *Righteouſnes* is oppoſed to ἀνομία or *ſwerving from the Law*, which is 1 *John* 3, 4. made the definition of ſin, and is ſo taken there, v. 7. and ch. 2. 29. and 2 *Cor.* 6. 14. and elſewhere. Now in this ſenſe it is true every oath is to be taken, in righteouſnes, and every action is to be done with ſuch a mind: but ſo is ſwearing in truth, and judgement to be done, and if no other thing were here meant by *Righteouſneſſe* ſwearing in Righteouſnes would be the ſame condition with ſwearing in truth and judgement.

4. *Righteouſneſſe* is ſometimes put in Scripture for bounty and liberality, *Pſal.* 112. 9. *He hath diſperſed and given to the poor, and his Righteouſneſſe indureth for ever*, which is expounded by the Apoſtle, 2 *Cor.* 9. 9, 10. of the liberality and bounty of the *Corontbians* in their giving to the relief of the Saints which is termed *the fruit of their Righteouſneſſe*. But in this ſenſe Righteouſnes is no meet qualification for an Oath, in which is nothing of bounty, but of exact Juſtice, alms being no *legal*, but a *moral* debt, as *Aquinas* doth diſtinguiſh, 2a 2æ *q.* 117. *art.* 5. *ad primum.*

5. There

Lect. 13.

5. There is a Righteousnes of veracity, of which the Apostle speaks when he saith, 1 *John* 1.9. *If we confesse our sins he is faithful and just to forgive us our sins*, that is he is just because of his promise, otherwise forgivenes being an act of free grace cannot be reckoned an act of distributive Justice, as of due debt to the person forgiven by reason of any work he doth, *Rom.* 4. 4, 5, 6, 7, 8. And in this sense the Apostle means, when he saith, 2 *Tim.* 4. 8. That *a Crown of Righteousnesse was laid up for him, which the Righteous Judge should give him*, that is because of his promise, without which *the sufferings of this life are not worthy of the glory to be revealed in us*, as he saith of himself, *Rom.* 8.18. And in this sense it is said, *Prov.* 12. 17. *He that speaketh truth sheweth forth righteousnesse.* But in this sense swearing in Righteousnesse should be all one with swearing in Truth, which is made a distinct qualification of an Oath, *Jerem.* 4. 2.

6. Righteousnesse is opposed to injury, and to Malignity or other injurious affection or Act, whereby in their hearts or actions they swerve from that *charity which thinketh no evil, rejoyceth not in iniquity*, 1 Cor. 13. 5, 6. in which sense *Righteousnesse* is made a distinct *Fruit of the Spirit from goodnes and truth*, *Ephes.* 5. 9 which is usually termed particular Righteousnesse, and it is different, according as the Relation of the person, his Act, and the state of him, to whom right is to be done, are. This sort of Righteousnesse was meant by *Paul*, when he *reasoned with* Felix *about Righteousnesse, and Temperance and Judgement to come*, *Acts* 24. 25. And this Righteousnesse I conceive the Prophet means, when he requires an Oath to be in Righteousnesse.

§. 2. Assertory Oaths are to be in righteous causes, to righteous purposes.

This Righteousnesse is to be differently in assertory and promissory Oaths. In assertory Oaths there should be Righteousnesse. 1. By swearing in a right cause, Thus *Aquinas* 2a 2ae q. 89. *Art.* 3. *ad* 2*um*. *It may be said that Righteousnesse pertaineth to the cause for which the Oath is.* And this is agreeable to what the Lord requires, *Exod.* 23. 1. 23. *Thou shalt not raise a false report: put not thine hand with the wicked, to be an unrighteous witnes. Thou shalt not follow a multitude to do evil: neither shalt thou speak or answer in a cause to decline after many to wrest Judgment. Neither shalt thou countenance a poor man in his cause*, meaning if his cause be naught. Conformably hereto in the Greek Version of the seventy that which is translated by our

Lect. 13.

Interpreters, *Levit.* 19. 12. *Thou shalt not swear falsly*, is by them rendred ἐπὶ ἀδίκῳ *in an unrighteous thing*. Out of which we may Collect, that he who is to swear, do look to the matter about which he is to swear, that neither his Testimony be false, nor such as tends to promote injustice. That which *Augustin* in his Book *de mendacio ad consentium*, c. 13. relates of *Firmus Bishop of Tagaste*, who being sent to to reveal a person who had fled to him for safety, when the Emperour persecuted him, endured Torments rather then he would deliver him up, being resolved *nec mentiar, nec prodam, that he would neither lye by saying that which was false, nor betray the innocent person by a true Testimony*, whereby as *Augustin* saith, *he shewed himself to be firm by name, more firm in will*, is imitable in such cases, wherein we are urged to swear, tho it be truth, when it tends to unjust persecution, and manifest injury.

The Greeks translate שקר by ἀδικία, 2 Kings 9 3.

2. In assertory Oaths there should be a righteous Motive, which should cause a person to swear, that which induceth him to swear, and the end he aims at in swearing, should be a love to righteousnesse, out of an habit of righteousnesse for righteous purposes. A Juror who is to declare his knowledge upon Oath taken by him, is not onely to declare the Truth, nor onely in a righteous cause, but also out of a right aim, so as that right Judgement may proceed, without any respect to any thing but Justice, without partial respect either on the one side, out of pitty or favour not agreeable to Justice, or on the other side out of private revenge, or enmity to help unduely or to undermine or supplant injuriously. For a man may be unrighteous in speaking, if it be with an evil aim for unrighteous purposes. *Doeg* the *Edomite* is charged, *Psalm* 52. 2, 3. thus, *thy tongue deviseth mischiefs, like a sharp Rasour working deceitfully. Thou lovest evil more then good, and lying rather then to speak Righteousnesse, thou lovest all devouring words O thou deceitful tongue: and yet that which* Doeg *told* Saul, 1 *Sam.* 22. 10. was true. The end and purpose for which he spake was unrighteous, which made the charge against him so heavy, and the threatning in that *Psalm*, *v.* 5, 6, 7. so direful. Informers who bring in information against persons for disusing some penal statutes, Juries that present, and others who bring in accusations against others, may be guilty of not swearing in righteousnes, though they swear truth,

if

if they do theſe things out of hatred and ſpightfulneſſe, or any other partial or ſiniſter affection, to vent their malice, vex, and make a prey of others, or for Gain, or Gratifying of men of Malignant Spirits, that they may be ſubſervient to their unrighteous deſigns. And ſuch perſons who have *Doegs* ſpirit may expect *Doegs* doom. *Lect.* 13.

It may be here queſtioned, whether a man be to refuſe to ſwear on his behalf that impleads another in injuſtice, though he intend to ſpeak nothing but the truth? To which I anſwer, 1. That he that ſhould ſo refuſe had need to be very well aſſured, that his true oath will be made uſe of for unrighteous purpoſes. 2. That if it be ſo apparent, as it was to *Firmus* forenamed, that his teſtimony will tend to betray righteous men into the hands of cruel Perſecutors, he ought not to teſtifie the truth, but rather to imitate that Biſhop. 3. If it be probable, or doubtful, whether his oath will not tend to promote an unjuſt deſign, he ought by all fit wayes he can to decline giving his teſtimony. 4. If there be no fit way of declining giving his teſtimony without violating of publique Judgement, he may and ought to teſtifie the truth with that due caution, which agrees to Righteouſneſſe and true charity, though he ſhould fear a particular injury would follow thereupon. For in this caſe he ſhould not ſo much conſider the abuſe that will be made, as the neceſſity of the proceedings of publique Judicature, in reference to which that Maxim is received, *fiat juſtitia & ruat Cœlum, let Juſtice be done though the Heaven ſhould fall.*

§. 3. Promiſſory Oaths are to be of righteous things with a righteous mind.

In promiſſory Oaths there muſt be alſo righteouſneſſe, 1. in reſpect of the thing which is promiſed or undertaken to be done. For no man can righteouſly ſwear he will do that, which if he ſhould do he ſhould do unrighteouſly: that bond which muſt be broken, cannot be rightly made. But, if a perſon ſwear that which is unjuſt for him to do, he binds himſelf with a Bond, that muſt be broken; in this Caſe that ſaying takes place, *Injuſta vincula rumpat Juſticia, Juſtice is to break unjuſt Bond*, and therefore that Oath cannot be in Righteouſneſſe, whereby a perſon ſwears to do that which it were ſinful for him to do.

2. In reſpect of the mind of the ſwearer it is neceſſary, that what he promiſeth, he do it out of a habit of Righteouſneſſe, as one that loves and delights to do what is right with-

Lect. 13. out any indirect ends to allure or deceive any that he may attain his unrighteous ends, as to draw men to trust him with their estates, that he may get advantage to himself, as they that take Executorships, or Administrations on them for their own benefit, and not for the good of those with whose estates they are intrusted. A righteous man must in matters of trust, to which he engageth himself, remember, that it is meer fraud to take on him an engagement to do for another, as if he aimed altogether at his benefit, when his heart is wholly carried after his own profit. This is to look one way and row another way, and so under fair pretences to play the Hypocrite: *Fides*, faith, *Cicero lib. 1. Offic. est fundamentum Justiciæ, faith or fidelity is the foundation of Righteousnesse*, and he that in his promises hath not a faithful or trusty mind must needs be unrighteous in Heart, how trusty soever he be in words, or trusty in deeds.

The reason of this duty of Swearing in Righteousnesse is from Gods Righteousnesse, and his love of it. *He is the Rock, his work is perfect: for all his wayes are judgement: a God of truth, and without iniquity, just and right is he*, Deut. 32. 4. *The Lord is Righteous in all his wayes, and holy in all his works*, Psal. 145. 17. And therefore *the Righteous Lord loveth Righteousnesse, his countenance doth behold the upright*, Psal. 11. 7. It is said of Christ Heb. 1. 9. which was delivered before, *Psal.* 45. 7. *Thou hast loved Righteousnesse and hated iniquity: therefore God even thy God hath anointed thee with the oyle of gladnesse above thy fellows.* In every thing God requires Righteousnesse, most of all in Oaths, wherein there is an immediate addresse to God the Righteous Judge of all the World, who will certainly do right.

Hereby then we may discern what are the sins opposite to Swearing in Righteousnesse, to wit, In assertory oaths, 1. when the oath is taken in an unjust thing. There are many times oaths taken wherein a truth is testified, but by reason of the iniquity of Laws or mischievous intentions of men it would be unrighteous to testifie truth. It was true, which was informed *Nebuchadnezzar*, that *Shadrach, Meshec, and Abednego did not serve his Gods, nor worship the golden Image he had set up*, Dan. 3. 12. yet the *Caldeans who accused them*, v. 8. were unrighteous, and justly, as it is not improbable, were they destroyed, either by the fire, v. 22. or by some other punishment.

§. 4. All swearing in unrighteousnesse is evil and to be avoided

ment. It was true, which the presidents of the Kingdom, the Governours, and the Princes, the Counsellors and the Captains informed *Darius*, *Dan.* 6. 13. concerning *Daniels* praying three times a day to God notwithstanding the Kings Decree, yet was this an unrighteous testimony, because it was to uphold an unjust Decree, and to destroy a righteous man, and therefore were they justly cast into the Lions den, *v.* 24. and so *fell into the pit which they made for another*, as the Psalmist speaks, *Psal.* 9. 15. *Lect.* 13.

2. When the Oath is taken for unjust purposes, as when a True Oath is taken to deceive, insnare or injure a person innocent. For no Oath is to be taken in *subtilty*, so as any way to supplant or dermine another. And therefore they that offer themselves to swear, though it be nothing but Truth they Swear, yet if it be intended to the undoing or unjust vexation of others (as too many times it is) are to be reckoned among unjust Swearers.

2. In promissory Oaths there is unrighteous Swearing, 1. When a man Swears that which he might lawfully do whether he intend to do it, or intend not, if it be for unjust purposes; As suppose a man Swears to give so much money to a friend, Servant or Officer for the gaining of a Womans good will for marriage, ayming at his own gain not her good, or to insinuate into a Rich mans favour to gain his Estate by humouring him to the wrong of his Children, or to hinder a person from obtaining his right. In these and thousands more of the like cases such kind of oaths are unrighteous and very sinful.

2. But it is the highest degree of unrighteous swearing when a person shall Swear a thing that is in it's own kind evil. Such was the Oath of *David*, 1 *Sam.* 25. 22. When he sware *So and more also do God to the Enemies of David, if I leave of all that pertain unto Nabal by the morning Light any that pisseth against the VVall*: which was an evil oath, though because it was not deliberately, but in heat it was not so evil as some others. It was very evil that *Saul Sware*, 1. *Sam.* 28. 10. to the Witch of *Endor*, *As the Lord liveth there shall no punishment happen to thee for this thing*, though God Commanded, *Exod.* 22. 18. *Thou shalt not suffer a VVitch to live.* *Herods* oath, *Mark* 6. 23. Whereby he ingaged himself to give to the Daughter of *Herodias* to the half of his Kingdom, as it

was

Lect. 13. was rash, so was wicked in extending it to the beheading of *John Baptist*. The vow or oath of *Corban*, *Mark* 7. 11. whereby a person counted himself discharged from relieving his Parents was an impious oath, or vow as our Saviour himself interprets it. But most wicked was that oath when *more then forty men bound themselves with an Oath and Curse that they would neither eat nor drink till they had killed Paul*, *Acts* 23. 12. But the most horrid of all the oaths, that ever I Read of, was, that of the Gun-powder Traytors in the beginning of King *James* his Raign, not to disclose nor to desist from the Plot of blowing up by Gun-powder the Parliament House with the King, Prince, Lords, Commons then to be assembled. *Salvian* in his *4th. Book de Gubernatione Dei* complains of this impiety in his time of men that would swear mischievous things, as *by Christ I will take away such a thing, I will beat such a one*, and thought they were bound to do such wickedness, because they had sworn to do it. He tells of one, whom when he requested not to oppres a poor man by taking away his goods, he answered, that he must needs do it because he had sworn it. At which *Salvians* heart was amazed, and cries out against it as a Prodigious wickedness, that men should think they were allowed to do wickedness, because they had sworn it, yea that they should gratify Christ in doing evil, because they have sworn by his Name to do it, and *arm themselves*, as he speaks, *with the Name of Christ for rapins*, murthers and such like villanies, as if the Name of Christ might yeld them patronage in sin. No kind of profaning the Name of God exceeds this to abuse the Name of God for open injustice. A rash Oath is very evil, a false Oath is worse, but a wicked Oath is worst of all. To use our members for unrighteousnesse is no small sin, forbidden by the Apostle, *Rom. 6.* 13. but to abuse the Name of God thereto is much more damnable. A great Potentate on earth would have indignation against such as should under colour of his Name injure his Friend, or accomplish any design which he hates. Much more will the wrath of God wax hot against such, as apply the Name of God to persecute his Saints, to promote lewdness, to further any kind of sin which he abhors.

Wherefore, 1. It concerns all that are guilty of Swearing in unrighteousnesse to repent with great Contrition of Spirit of

of this horrid ſin, chiefly thoſe that have ſworn to do wickedly. It is no ſtrange thing to hear perſons ſwear they will drink exceſſively and make others drink, that they will be revenged, that they will ſue unjuſtly, drive the Country of others, not pay debts nor labourers wages, that they will beat, lame others, and ſometimes that they will be the death of others, that they will perſecute godly perſons, joyn in wicked conſpiracies, adhere to thoſe who miſlead them, to ſinful practiſes. All which are horrid impieties, and ſuch as a Chriſtian heart would bleed for, that Gods Holy Name ſhould be made a pretence or cloak for unholines, and he that is moſt righteous ſhould be alledged to patronize the greateſt unrighteouſnes. This ſure is blaſphemy in a high degree, and requires great humiliation to take away the guilt of it. *Lect.* 13.

2. It concerns all that expect Gods approbation and favour when they Swear to Swear in Righteouſnes. As *all the words of wiſdom are in Righteouſneſſe, Prov.* 8. 8. So ſhould all the words, chiefly Oaths of all the children of wiſdom be in righteouſneſſe. *Ariſtotle* counted *Righteouſneſſe more illuſtrious then the morning or evening Star*: Chriſtians ſhould much more eſteem and love it as being the Image of God. As there is tranſcendent excellency in God and Chriſt becauſe of righteouſneſſe, ſo is a man *moſt excellent that is moſt righteous, Prov.* 12. 26. And *the way of Righteouſneſſe* is moſt profitable, becauſe *it is the way of life, and in the path-way thereof there is no death.* In a word all beauty, worth, deſirable good is by righteouſnes, and therefore all that either love God or themſelves muſt in their thoughts, deeds and words become righteous like to God, and eſpecially in Swearing, when they appeal to the righteous God, look that unrighteouſnes be far from them. That precept of God is immutable and inviolable, *Deut.* 16. 20. *That which is altogether juſt* (*Heb. Juſtice juſtice*) *ſhalt thou follow.*

Some

Some Adjuration may be lawful.

Exod. 20. 7. *Deut.* 5. 11.

Thou ſhalt not take the Name of the Lord thy God in vain, for the Lord will not hold him guiltleſs that taketh his Name in vain.

Lect. 14. *Of Adjuration or urging others to Swear.*

§. 1 Adjuration hath diverſe ſenſes

THE next thing to be conſidered about the practiſe of Swearing is the urging others by Oath, or the exacting of an Oath of others, which is commonly termed *Adjuration* from the *Latins*, and *Exorciſme* from the *Greeks*. Of theſe words much hath been ſaid before, *Lect.* 7. *Sect.* 7. and if any more be needful I ſhall add it in that which follows. For my preſent purpoſe it is to be conſidered, as *Zanchius* obſerves on the third Precept, *Tom.* 4. of *adjuration* that the *Latin* word, *Adjuring*, Signifies, 1. Simple Swearing, and then it is *adjuro tibi, I adjure to thee*, not *adjuro te I adjure thee.* For this he allegeth *Tully* uſing it ſo in an *Epiſtle to Atticus.* 2. To urge another to ſwear or to exact an Oath of him, as Judges do witneſſes, and as *Abraham* did his Servant, *Gen.* 24. 3. 37. where he ſaith אשביעך *and I will make thee to ſwear.*

3. To bind or to aſſay to bind another to do ſomething by interpoſing of Gods Name, though the party ſo to be bound ſwear not. Examples hereof are 1 *Sam.* 14. 24. where *Saul adjured the people, ſaying, curſed be the man that eateth any food till evening.* And that of *Ahab*, 1 *Kings.* 22. 16. to *Michaiah, How many times ſhall I adjure thee, that thou tell me nothing but that which is true in the Name of the Lord? Zanchius* refers to this ſort of adjuration that which is ſaid, 1 *Kings* 2. 42. *And the King ſent and called for Shimei and ſaid unto him, did I not make thee to ſwear by the Lord, and proteſted unto thee ſaying, Know for a certain that on the day thou goeſt out, and walkeſt abroad any whither thou ſhalt ſurely dye?* and ſaith, *we Read not that he exacted an Oath: but only that he commanded him (to wit, in the Name of the Lord) that he ſhould abide in his own Houſe*

at

at Jeruſalem. But to the contrary, 1. the *Hebrew* word is השבעתיך in *Greek* ὥρκισα κατὰ τοῦ κυρίου, *I made thee to ſwear by the Lord, which that Shimei* took upon him is manifeſt from *Solomons* words, *And thou ſaideſt, the word that I have heard is good.* 2. v. 43. *Solomon* charging him with *not keeping the Oath of the Lord, and the Commandment of the King* as diſtinct aggravations of his ſin, and therefore doth charge him with perjury in not keeping the Oath he had taken. So that this inſtance of adjuring *Shimei* is better referred to the ſecond ſenſe then the third. The other Example, *Mat.* 26. 63. hath been before conſidered, *Lect.* 7. *Sect.* 7. Now adjuration in the firſt ſenſe belongs not to our preſent buſines, for it is the ſame with taking an oath, of which I have ſpoken already, but in the ſecond and third ſenſes I ſhall now conſider of adjuration beginning with the ſecond ſenſe which is the moſt full and proper. *Lect.* 14.

In this ſenſe men only are the object of adjuration. For no man, that we read of, hath taken the boldnes to require an Oath of God, it being, if by way of command, a moſt audacious preſumption, if by way of requeſt a tempting of God, and a ſigne of unbelief, as if we would limit God, and preſcribe to him, and thought he were not to be believed upon his word without an Oath. God it is true doth of his own accord Swear, *willing more abundantly to ſhew unto the heirs of the promiſe the immutability of his Counſel he confirmed it by an Oath, Heb.* 6. 17. But we do not find *Abraham* or any other by command or prayer urging him to ſwear. And as for Angels we have no converſe with the good Angels to require an Oath of them, nor are they to be ingaged by us, though they are ingaged for us by Chriſt, as being *Miniſtring Spirits to him ſent forth for their ſakes who ſhall be heirs of Salvation, Heb.* 1. 14. As for the evil Angels they are not to be truſted, ſith the Devil is *a lyar even from the beginning, and the Father of lying, John* 8. 44. Nor may any man be allowed to have any familiar acquaintance or conference, treaty or parly, or intelligence, or ſo much as whiſper with or from Satan, ſith he is *the Old Serpent which deceiveth the whole World*, and is the common open enemy of God and men, having by his falſehood *deceived Eve* and thereby brought death into the World, and ſtill endeavours to alienate the hearts of men, whom God hath made, from their Creatour, and therefore God hath

§. 2. An oath may be onely urged on men.

Lect. 14. proclaimed a truceles war of mankind with Satan, when he told the Serpent, *Gen.* 3. 15. *And I will put enmity between thee and the Woman, and between thy Seed and her Seed, it shall bruise thy head and thou shalt bruise his heel*, and therefore God forbids any that hath a familiar Spirit to live, and commands all conjuring and conjurers to be exterminated. And as for inanimate Creatures, or Bruites they are not capable of swearing, as wanting the faculties of reason and Speech necessary to swearing, and therefore are not to be adjured in this sense, it remains that in this sense men onely are to be adjured. For though it be true, that *every man is a liar* in some sense, *Rom.* 3, 4. That is, may deceive and be deceived, and so liable to lying, and at some time or other doth lie: Yet there is so much aw of God in the hearts of all or most men, so much natural conscience of an Oath, as that, till by customary sinning with impunity, or such *Machiavellian* suggestions, as wear out of mens minds the sense of the Divine presence, power and vengeance, men become hardned in sin and in some sort Atheistical, there will be some fear of an Oath, and the more of Religion there is in men, the more regard to what they swear; therefore there may be some assurance of truth by mens Oaths, and in defect of Divine immediate Answers or Revelations an Oath is the best way for confirming of mens sayings and determination of controversies: and to be required by one man from another as a meanes to maintain humane society in peace.

§. 3 *A Superiour may exact an oath of an inferiour in some cases*

Now this urging of another to Swear is sometimes when a Superiour requires an Oath of an Inferiour who is subject to him, sometimes when an equal requires an Oath from an equal, sometimes when an Inferiour seeketh an Oath from a Superiour. Of the first we have many examples in the holy Scripture both of assertory and of promissory Oaths. In case of a Spirit of jealousie comming upon the Husband the Priest was to put his Wife to her Oath, and in signe of her abjuration of the fact of adultery, she was to drink the bitter water, which the Priest with an Oath of execration pronounced was to give her to drink, *Num.* 5. 18, 19, *&c.* And to like purpose if any be suspected to be a false witnes, God appoints the Judges to make diligent inquisition whether he were a false witnesse or nor, *Deut.* 19 18. which required assertory

assertory Oaths of others to find out the falsehood of his Testimony. Yea if the Law which is *Levit.* 5. 1. thus, *And if a soul sin, and hear the voice of swearing,* that is of adjuration, in Greek φωνὴν ἐπαράσεως, *And is a Witnesse whether he hath seen or known of it, if he do not utter it, then he shall bear his iniquity,* be meant of the Judges urging a person to testify by Oath his knowledge of a secret sin, an Oath for discovery of some sins may be put by a Superiour on another unknown, and it may be not only lawful, but also necessary for him to testify his knowledge. Which thing is therefore necessary, because as the State of humane Affairs is now, Controversies cannot be well determined without Oaths, not onely because the forme of Lawes and Judicial proceedings do require it, but becausealso, as men are, there is little security and confidence in many mens Testimony without a Solemn Oath, and if there be no Judicial proceedings there will be no peace nor Government. And therefore it concerns all Superiours, who desire to keep their Authority, and Government, and to that end to uphold Judicature and due Administration of Justice both by penalties and other wayes to represse and Reform false and vain Swearing, and both by teaching, example, and other due wayes to cherish Religion, the fear of the Deity, and of an Oath, in which are the nerves and ligaments of Politique Government. *Lect.* 14.

Of Promissory Oaths exacted by Superiours of Inferiours we have more instances in the Holy Scripture. Thus *Abraham* commands his Servant, *Gen.* 24. 3. to put his hand under his thigh, and to swear that he would not take a Wife to his Son of the Daughters of the *Canaanites*. *Jacob* in like manner, *Gen.* 47. 31. requires his Son *Joseph* to Swear to him that he would carry his body out of the Land of *Egypt* to be buried in *Canaan*. And *Joseph* of the Children of *Israel* that they would carry his bones out of *Egypt*, *Gen.* 50. 25. *Saul* required of *David* an Oath not to destroy his Seed, 1 *Sam.* 24. 22, 23. *Ezra* exacts an Oath of the Priests and Levites and all *Israel* to put away their prohibited Wives and such as were born of them, *Ezra* 10. 5. *Nehemiah* exacts an Oath of the Nobles and Rulers to leave off their Usury and to restore men their money and other goods, *Nehem.* 5. 11, 12. Agreeably to this practise, it may be lawful and necessary for Superiours to require of their Servants and Officers an

Lect. 14. Oath, whereby they engage themſelves to adminiſter Juſtice, to deal faithfully in their places, to give true and juſt accounts of that which they are intruſted with, of perſons that expect Priviledges in a Society, that they will obſerve the Laws, keep the Priviledges entire of ſuch a Society. The reaſon hereof is becauſe Oaths are counted the firmeſt bond of mens fidelity, as *Tully* ſpeaks, *l.* 3. *Offic.* the *Romans* counted it, without which there will be little ſecurity and confidence one in another, without which peace will be infringed, and ſocieties diſſolved. But then it is to be remembred, 1. that what promiſſory Oath he impoſeth be of things lawful; no Superiour hath power to impoſe an Oath of doing or omitting to do that which is contrary to the will of him who is the Supream Lord, from whom all Power and Authority is derived, and to whom it is ſubject. 2. No oath ought to be exacted by a Superiour, but what is neceſſary: As all oaths are forbidden by Chriſt which are unneceſſary, as is before proved, ſo alſo by conſequent all urging to ſwear when it is needles. 3. No oath ſhould be exacted of a perſon, but ſuch as is clear, For as it is required of him that ſwears that he do *liquidò jurare ſwear plainly*, ſo it is neceſſary that the oath he is to take ſhould be made plain to him without which he cannot clearly Swear. A captious oath tends onely to perjury and contention. 4. Superiours in urging oaths ſhould deal equally, not requiring thoſe to ſwear, who will ſwear all againſt a perſon, but denying thoſe to ſwear or forbearing to adjure thoſe, who will teſtify truth for a perſon. All partiality ſhould be far from ſuperiours by favouring ſome, and injuring others, for that is contrary to righteouſnes which ought to be as well in impoſing oaths on others, as in taking of them. 5. Oaths ſhould be required eſpecially affertory in Judicature with prudence ſo, as not to admit to ſwear thoſe whom he may perceive are bent to ſwear falſely out of malice, or being hired or ſuborned, as the falſe witneſſes, that ſware againſt *Naboth* and Chriſt. Judges ſhould out of reſpect to Juſtice, if they may, hinder or invalidate their Teſtimony. 6. Oaths ſhould be exacted out of right motives for juſt purpoſes, not to make men offenders that are not, to bring them under Fines, Impriſonment, and other Penalties, who are peaceable and righteous perſons, to gratify malicious Spirits, for revenge, for promoting

promoting any evil deſign. All ſuch as require oaths for ſuch purpoſes as *Jezabel*, the High Prieſts and ſuch other unrighteous perſons have done, are more guilty then the falſe, raſh or unrighteous ſwearers themſelves. *Lect.* 14.

§ 4. *An* equal may urge an equal to ſwear to him.

Sometimes Oaths are urged by equals upon equals by contract or agreement. And this may lawfully be both in aſſertory and promiſſory. In aſſertory there is a Law, *Exod.* 22. 10. *If a man deliver unto his neighbour an Aſſe or an Ox, or a Sheep, or any beaſt to keep, and it die or be hurt, or driven away, no man ſeeing it, then ſhall an Oath of the Lord be between them both, that he hath not put his hand unto his neighbours goods: and the owner thereof ſhall accept thereof, and he ſhall not make it good.* And in *Solomons* Prayer, 1 *Kings* 8. 31. *If any man treſpaſſe againſt his neighbour, and he require an Oath of him,* (ſo it is in the margin according to the *Hebrew in the Text*) *and an Oath be laid upon him to cauſe him to ſwear, and the oath come before thine Altar in this houſe, then hear thou in heaven, and judge thy ſervants.* This putting a perſon to his oath may be in thouſands of caſes, wherein it is neceſſary, that differences be compounded, and jealouſies and diſtruſts of each other removed. So it fell out in the great quarrel between the *Ciſ-Jordan* and *Tranſ-Jordan Iſraelites* about the building of an Altar (which had like to have cauſed a dangerous War between them) that the oath of the *Rubenites* and the reſt of the *Tranſ-Jordan Iſraelites*, *Joſh* 22. 21, 22, 23. did compound the difference, and made up the breach between them. Neither are ſuch oaths to be confined only to publick Tryals in Courts of Judicature, but at other times by conſent of both parties, difficulties may be facilitated, and differences ended by the oath or oaths of one or both, or others, on whoſe Teſtimony they rely, provided that no oath be urged, but what is neceſſary in a buſines of moment, nor performed without holy reverence of God, whoſe Name is invocated by them. In promiſſory oaths it is lawful in many caſes for one equal to require an oath of another. This is moſt neceſſary in Publick Leagues, whereby one Prince or State makes peace with another, as in the Covenant between *Abraham* and *Abimelech*, *Gen.* 21. 31, 32. when they *ſware both of them, and called the place Beerſheba the well of the Oath*, and in the League between *Iſaac* and *Abimelech*, *Gen* 26. 31. In which they *Sware one to another*, and between *Laban* and *Jacob*, *Gen.*

31.

Lect. 14.

31. 53. In private Agreements alſo Tranſactions have been by Oaths impoſed by equals, as when *Eſau ſold away his Birthright by an Oath*, *Gen.* 25. 33. *Samſon* made the men of *Judah*, that came *to bind him ſwear*, *that they would not themſelves fall upon him*, Judges 16. 12, 13. Jonathan *made* David *ſwear to him*, 1 *Sam.* 20. 17. 42. All or ſome of which are juſtified by the conformity which they have to the end and uſes of ſwearing, and the lawfulneſſe and meetneſſe of the thing promiſed by Oath. But if an equal urge his equal to ſwear that which is falſe and untrue, or that which is evil and contrary to Righteouſneſſe, then is he that urgeth his equal to ſwear thus, guilty as an acceſſary or principle Author of the ſin of perjury or unjuſt ſwearing. And the Laws both of God and men juſtly condemn him that doth ſo as being as peccant and faulty as a perſon perjured, or unjuſtly ſwearing. Yea if the Sollicitor did *dolo malo with evil deceit* procure the Oath, when the perjured perſon did forſwear himſelf out of inconſideratenes or miſtake onely, the Sollicitor to perjury is far more deeply guilty then the Actor. And indeed for the moſt part the Suborner of perjury is the greater ſinner as being the firſt mover in it, and ſo his ſin the more voluntary, as *Iezabel* and the High Prieſts were more guilty in their practiſes againſt *Naboth* and *Chriſt*, 1 *Kings* 21. 11. *Mat.* 26. 56. then were the falſe witneſſes themſelves.

Likewiſe if a man urge another to ſwear vainly, whereby he profanes the Name of the Lord, he is guilty of his ſin, and unles the perſon ſwearing be as willing, as he that urgeth him, the ſin may be greater in him that provokes him to ſwear vainly then in him that ſwears, as undoubtedly the Devil ſins more in tempting to ſin, then he that is tempted.

§. 5. Inferiours may in ſome caſes urge Superiors to ſwear to them.

Sometimes an Inferiour requires an Oath of his Superiour. Though no inſtance of ſuch Adjuration in Aſſertory Oaths occur, yet there is no reaſon, why it may not be lawful in ſuch caſes, wherein the Oath of a Superiour may be neceſſary for the ends of ſwearing, to require an Oath of a Superiour, to teſtifie the Truth, and therefore in ſome caſes it is reſolved by Divines, that a Judge may be required to be a Witneſſe when other proof is deficient. But of Promiſſory Oaths, we have ſome inſtances of an Inferiour urging a Superiour to ſwear: We find *Rahab* urge the ſpies to ſwear to her

her that they would ſave her and her Kindred alive, when the *Iſraelites* ſhould take *Jericho*, *Joſh.* 2. 12, 13, 14, 17. Now in this the Spies were as Superious, being acknowledged by *Rahab* to be by vertue of Gods donation, Lords over the *Cananites*, and therefore ſhe urgeth them to ſwear by intreaty. We find 1 *Kings* 1. 13. 29, 30. that *David* ſware to *Bathſheba*, that her Son *Solomon* ſhall reign, at the inſtance of her being Queen. Nor is this unlawful, if the due Cautions be obſerved, to wit, that the inferiour have no ſubdolous or Rebellious aim as *Adonijah* had, when he urged *Solomon* to ſwear not to ſlay him, 1 *Kings* 1. 51. and when he deſired *Abiſhag* the *Shunamite* to Wife, 1 *Kings* 2. 22 23. or as the *Gibeonites* did, *Joſh.* 9 15. for which cauſe *Joſhuah* tels them, that *they had beguiled them, and were curſed*, and ſhould live but as ſlaves and drudges, *v.* 22, 23. Nor are ſuch requirings of Oaths from Superiors right, unles they be in important matters and for ends of moment, as for ſaving mens lives, and eſtates, when there is in appearance no other way to do it. To which this is to be added, that as *Zanchius*, *tom.* 4. on the third *com.* *Sharpius curſ. Theol.* on the third *præcept*, and others obſerve, though a ſuperiour may command an inferiour to ſwear, and an equal may by an action neceſſitate his equal to ſwear, yet an inferiour muſt gain it by Prayer and Supplication with due demiſſion of mind and humble ſubjection, that his Authority and dignity may not be abated, and he may have no injury by his condeſcenſion.

Lect. 12.

But now in this matter there are ſundry caſes to be reſolved. As firſt it may be asked whether it be lawful to require or take an Oath of him, of whom we know that he will ſwear by his Idols or falſe Gods? This queſtion was propounded to *Auguſtin* by one *Publicola*, *tom.* 2. *Epiſt.* 153. and is anſwered by *Auguſtin*, *Epiſt.* 154 *He that uſeth the faith of him whom it is manifeſt to have ſworn by his Gods, and uſeth his faith not to an evil thing, but to a thing lawful and good, is not a companion with him in his ſin, by which he ſware by Devils, but in his good compact, by which he kept faith.* which words *Lumbard* hath *l.* 3. *ſent. diſt.* 39. *G.* tranſlated into his Book of Sentences: and conformably thereto Divines do uſually reſolve this doubt thus.

§ 6. An Oath may be in ſome caſe required of him that ſwears by an Idol

1. That it is lawful to accept of a needful Oath for preſerving of peace and preventing deſolation, though it be made

Lect. 14. made by an Idolater by his Idol. This is proved, 1. from the example of *Jacob*, who took an Oath of *Laban*, who was an Idolater, and swore by the God of *Nahor*, who is opposed to *the fear of Isaac Jacobs Father, by whom he sware*. But this action of *Jacob* is set down as a right act of *Jacob*, the Holy Ghost no whit speaking of it to his disparagement, but rather by noting his *swearing by his father* Isaacs *fear*, as a proof of his constancy in adherence to the True God. 2. It is manifest that Leagues were made between *Abraham*, *Abimelech*, *Gen.* 26.31 Now *Abimelech* was an Idolater, and therefore it is likely sware by his Idol: Nor is it likely *Abraham* and *Isaac* would have so done had it not been lawful. 3. If this be not allowed, no commerce, or peaceable living can be assured between Believers and unbelievers: sith an Oath is the great Bond of Peace and safe Commerce. But though we are to have no Communion with Idolaters in Idol service, 2 *Cor.* 6. 14, 15, 16. 1 *Cor.* 8. 10. yet we may have civil Converse and Commerce with them, as the Apostle resolves, 1 *Corinth.* 5. 10.

2. Upon the same Reasons it is lawful to require an Oath when it is necessary of an Idolater, and to urge him to Swear, though we foresee he will Swear by his Idol, his profession directing him to that Oath, and we not moving him to Swear by the Idol, but onely to assure us by Oath of his Fidely or Veracity. For in this case the urging him to swear is not of it self a cause of the Superstition or Idolatry of the Swearer, but a cause by accident, sith although he require an Oath of him, yet he requires not that form of Swearing.

But it may be objected, he must needs communicate in his sin, sith he urgeth him to that act which is sinful.

To which I Answer with *Aquinas*, 2a 2æ *q.* 98. *art.* 4. *Perkins cases of Conscience*, *l.* 2. *c.* 13. *qu.* 3. *Case* 1. *Ames l.* 4. *de consci. c* 22. *q.* 1. §. 40. and others, *No, he doth not partake of his sin any more then the borrower for his necessity is guilty of the Usurers oppression*. It is a true Rule, *To use evil for good is not of it self evil.* For if it were, God who useth mens sins for his own righteous purposes should do unrighteously.

3. It is utterly unlawful to adjure another by an Idol, or to suffer our selves to be adjured or blessed by an Idol or false God. *It is of cowardise*, saith *Tertul. of Idolatry*, ch. 22. *When another*

another binds thee in ſwearing or other teſtification by his Gods, and thou holdeſt thy peace, that thou mayeſt not be known. For equally by ſilence thou confirmeſt the majeſty of them, for whoſe ſake thou ſhalt ſeem bound. What matters it whether by ſpeaking or by hearing thou confirm the Gods of the Nations. Whether thou ſwear by Idols, or being adjured by another acquieſceſt? If thou oppoſe not, all ſuch patience is Idolatry. Thou honoureſt thoſe Gods to whom being impoſed on thee thou haſt yelded obſequiouſneſſe. So he makes it an honour to an Idol to curſe another by Jupiter, *or to be bleſſed by the Gods of the Nations*, which he ſaith, *Is to be curſed of God, that to give Almes or any benefit when it is asked for an Idols ſake is to honour the Idol.* Certainly as it is impious *to take up the names* of Idols or falſe Gods *into our Lips* (which *David* abhorred, *Pſalm* 16. 4. by ſwearing or other honourable mention of them, ſo it is impious, when others do adjure, bleſſe, curſe or obteſt by them, by our accepting, ſubmitting or yelding thereto, to ſhew any approbation of their fact, or reſpect to thoſe ſuppoſed Deities. Lect. 14.

Another Caſe about requiring an Oath of another is, whether it be lawful to require him to ſwear, of whom we conceive that he will forſwear himſelf? This queſtion is uſually diſputed by the Schoolmen, on *Lumbard* l. 3. *ſent. diſt.* 39. l. *Aqu.* 2a 2æ q. 98. *Art.* 4. and by Proteſtant Divines, as *Rivet*, *Zanchius* on the third *Commandement*, *Perkins* in his *Caſes of Conſcience*, *Ames*, *John Downam of Swearing*, and others. And it is commonly reſolved by diſtinguing. The perſon exacting an Oath of ſuch a one, is a publique Magiſtrate or Judge proceeding according to the courſe of Law at the inſtance of the Actor, and ſuch a one may exact the Oath, if the executing of Law and Juſtice do ſo require. For *better it is* (ſaith Dr. *Downam*) *that a private man ſhould periſh, then that the publique adminiſtration of Law and Iuſtice ſhould be ſtayed and hindred. Fiat juſtitia & ruat Cœlum*, *Let juſtice be done though the Heaven fall.* Yet they withall tell us, that, if the neceſſity of preſerving Law and Juſtice tie not the Judge to it, he ought to avoid it by deferring the Tryal or Compounding the difference, by admoniſhing the party that is to ſwear of the grievouſneſſe of perjury, the puniſhment due to it, with ſuch like cautions as may fitly prevent the ſin, and then leave it to the providence of God. I add in examining the perſon ſworn he is to be more ſtrict, and in caſe he de-

§ 7. In ſome caſe an Oath may be required of one that is likely to ſwear falſely.

Lect. 14. prehend falſehood what in him lies to invalidate the Teſtimony, that Truth may take place. Or elſe the perſon requiring the Oath is a private perſon, as if a Creditour refers his debt to the Oath of the debtor wanting other proof, and he thinks he will forſwear himſelf, or if a perſon have loſt his goods, and the ſuſpected Thief be put to his Oath (as appears to have been wont, from *Auguſtin Ep.* 137. and the Civil Law allows it, Theft being not made a Capital Crime) the queſtion is, whether ſuch perſons are to be put to their Oath by a private perſon, conceiving they will forſwear themſelves? *Chryſoſtom homil.* 16. *ad populum Antiochenum*, perſwades men rather to looſe their goods then to urge men to ſwear: But this is becauſe he is againſt an Oath, eſpecially in ſecular matters. Others reſolve alſo, that in ſuch a caſe for the Glory of God, that he may not be diſhonoured by perjury, and out of charity to the party that is to ſwear, the private perſon ought not to urge the ſuſpected perſon to Swear, but rather to looſe his goods. And *Auguſtin tom* 10: *ſerm* 28. *de verbis Apoſtoli*, ſaith, *That he ſhould be a man-ſlayer, that ſhould thus thruſt on his Brother to kill himſelf.* But 1. theſe Reaſons reach as well to a publick Magiſtrate as a private perſon, both are alike concerned to preſerve Gods honour, and to be charitable to their Neighbour. 2. If theſe Reaſons be ſufficient, neither ſhould ſuch perſons be put to anſwer without oath, nor ſo much as be demanded to pay their dues, or reſtore their ill-gotten goods, ſith they will lie, and detain unrighteouſly, whereby God is diſhonoured, and the Souls of men indangered in like manner as by perjury. 3. There is a reſpect of charity, which a perſon is to have to himſelf and family, in ſeeking to recover his goods by means not in themſelves unlawful, that his family may not be ruined. 4. No man can be certain that the ſuſpected perſon will forſwear himſelf, but that his Conſcience may be awed by the Dread of God, or affrighted with the penalties of Laws (which ſhould be in ſuch caſes ſevere) and the perjury prevented. I think therefore all other wayes are to be tried, firſt to recover ones own; and that if the perſon to be ſworn be of very deſperate condition, and obdurate heart, and the goods to be recovered of no ſuch value, but that the loſſe may be well born without the Perſons and his Families ruin, then it were beſt not to urge him to ſwear, but to leave it to

the

the providence of God to awaken him, and bring him to repentance. But if the losse be great, the person of any sense of God and the holinesse of an oath, it is not amisse to urge him to swear, sith his perjury is accidental to the adjuration, and contingent, which resolution may be confirmed, in that those persons, who deny, that a private man may exact an oath of him who is likely will be perjured, yet conceive, that if the oath be of great necessity to be taken, it is lawful to urge it, as when a league is to be confirmed, though it is fore-conceived that one party will break it, and if a Law Suite be to be determined, which must be decided to prevent inconvenience, then which we say, some mischief is more eligible. And they alleage this rule, that he is not in fault who claims, that which he hath right to, though he from whom he claims it be the more bent to sin, and become outragious. Which Reason is as good in the former Case as this. *Lect.* 14.

Ames l. 4. *de consci.* c. 22. q. 13. propounds this case, *whether* it be lawful for a private man to urge him to swear who he knows would swear false without any fraud, being deceived onely by mistake, in which he is very confident that he is not deceived? And he Answers, and that rightly, no, for he should both injure his brother, and be Author of abusing Gods Name, to confirm that which is false. § 8. In some cases persons are not to be urged to swear.

It is also asked, Whether it be lawful to urge mad men or boys to Swear?

The Answer is, mad men in their Phrensy are not to be urged to swear sith they want the use of Reason necessary thereto, and if they be allowed to swear in their *lucida intervalla*, in the times wherein they are come to themselves, yet there should be heed taken to the present state, whether they be well setled in their right minds, and there be no mixture of Dotage, ere their Testimony be taken. As for Boys, the *Canon*, and all Laws forbid them to take an oath in judicature, till they come to some age of discretion capable of understanding things, and the holinesse of an oath and dread of God. *Boys*, saith *Aqu.* 2a 2æ q. 89. *art.* 10. *Are excluded from swearing before the years of a stripling, for as yet they have not the perfect use of Reason, whereby they may be able with due reverence to take an Oath.*

Likewise Laws and Customes disable the Testimony of per-

Lect. 14. ſons formerly convicted of perjury, or in ſome way infamous, and of perſons nearly related in ſome caſes: all which Judges, Juries, Arbitrators and others are to have regard to, that ſwearing, which is for promoting juſtice, turn not Judgement into wormwood.

Out of that which hath been ſaid, we may. 1. Infer that their ſin is very great, who urge others to ſwear either falſly, raſhly or unjuſtly; men of themſelves are too prone hereto: *Sponte ſua properant, labor eſt inhibere volantes:* Ther's no need of a ſpur to quicken them, but a ſtrong curb to keep them in. It muſt needs be then a Deviliſh Act to ſpur men on to unholy ſwearing. All do count it a mortal damnable ſin to ſollicit, hire, ſuborn falſe witneſſes. The doom of *Ahab*, *Jezabel*, and ſuch other perſons, as have practiſed this wickedneſſe, ſhould make us tremble at the thought of it, and yet it is to be feared, that there want not ſome among Chriſtians, who are guilty of it. Surely there are not a few, who provoke others to ſwear in paſſion, that they may laugh at them, yea ſometimes men profeſſing godlineſſe, that they may inſult on their weakneſſe, and deride and diffame their profeſſion. Nor are there wanting thoſe who incite men to ſwear wicked things, to drink Healths till they be drunk, to plot miſchief, and to carry on Trayterous deſigns, into which a Chriſtians Soul ſhould not come, as being helliſh practiſes. All that are any way guilty of theſe and all ſins of the ſame kinde have great need to mourn for them, as knowing *that the judgment of God is juſt, againſt ſuch as not onely commit ſuch ſins, but alſo take pleaſure in them that do them*, Rom. 1. 32.

2. We are to be admoniſhed that we urge none to ſwear any otherwiſe then in Truth, Judgement and Juſtice. What God requires of him that ſwears, he expects ſhould be obſerved by him that moves another to ſwear. What a man may not do himſelf in perſon, he may not urge another to do in duties common to both. And therefore all Judges, Magiſtrates, Governors are bound to do what lies in them to rectifie men when they urge them to take oaths, and thoſe who are Teachers of others ſhould inſtruct them in their duty, leſt by neglect of right information they be Authors of others ſin and miſery. No precepts certainly are better then Gods, and therefore no diligence is too great for the keeping of them. If *Pythagoras* his Scholars were preciſely obſervant of

of his directions, how ſhall they be excuſed who are careles of obſerving Gods Commandments? Let not then any of thoſe that profes themſelves Servants of God become profane or wicked Swearers, much leſſe act the Devils part to provoke others thereunto. *Lect.* 14.

Some Adjuration may be of a perſon concerning his own crime.

Exod. 20. 7. *Deut.* 5. 11.

Thou ſhalt not take the Name of the Lord thy God in vain, for the Lord will not hold him guiltleſs that taketh his Name in vain.

Lect. 15. *Of Adjuring a perſon concerning his own crime.*

§. 1. The occaſion of the caſe about adjuring a perſon concerning his own crime

THE Principal caſe about exacting an Oath of another, the reſolution thereof being of very great Concernment, one way to Governours for finding out hidden crimes, and the other way to Subjects for preſerving their liberty and preventing oppreſſion, is, whether it be lawful for a Magiſtrate or Judge to urge a man to ſwear in a cauſe criminal and penal to himſelf concerning his own guilt, that his own Teſtimony may be an evidence to convict him, or to purge him? This queſtion was in Queen *Elizabeths* days much diſputed, the occaſion being exceptions againſt the Proceedings in the High Commiſſion and other Eccleſiaſtical Courts in their enquiry of the party cited to anſwer by oath *ex officio judicis* concerning the things objected to him; Againſt which certain manuſcripts Treatiſes being made were anſwered by the Author of the *Apology of certain proceedings in Courts Eccleſiaſtical*, who is ſaid to be Dr. *Coſins* a Doctour of Lawes. In that Book he undertakes to maintain the equity of the ſaid oath and agreement of it with the Lawes Common, Civil, and Canon, and the Word of God, and adds a *Determination of Dr. Lancelot Andrews* after Biſhop of *Winchester* at *Cambridge* in *July* 1591. which was ſince Printed among his *Opuſcula* in *Latin*, which Tract of Dr. *Coſins* is lately abridged, and with

Biſhop

Lect. 15. Biſhop *Andrews* his determination tranſlated, and another tract conceived to be Biſhop *Davenants*, Printed for *Richard Royſton*, under the title of Memoranda by *Edward Lake* Philomonarchophil. I find in the *ſecond part of the Inſtitutes of the Laws of England of Sir Edward Coke* in his *Expoſition of the Statute of 2 Edward 6. c. 13. of Tythes* theſe words, (citing in the Margin Dr. *Coſin in his Book intituled an Apology, &c. cap 13.*) *we have Read over what Doctor Coſin hath in his Book ſpoken for the maintenance of this Oath, and certainly he toucheth not the State of the queſtion, as will appear to the Learned Reader?* And more is ſaid in the ſame place about the illegality of ſuch an oath. *In the brief and ſuccinct narration of the Commotions in the Kingdom and Church of Scotland by Irenæus Philalethes*, it is thus ſaid. *In the High Cammiſſion proceedings are by ſtrictnes of Law, the Oath ex Officio being exhibited to the accuſed by which they are bound to accuſe and betray themſelves. Which was firſt brought into the Church of England under Henry the 4th, the Biſhops asking it for detecting the Lollards, which Fox himſelf an Engliſh man calls a bloody Law: againſt Scripture, which forbids the accuſation againſt an Elder to be admitted but under the Teſtimony of two or three: Againſt the State of the old Romanes: Even Trajan although an enemy of the Chriſtian faith yet reſolved in the cauſes of Chriſtians that without a certain Author a Libel being exhibited no criminations ought to have place: for, ſaith he, it is a matter of the worſt example, & not agreeing to this age. Whence that common Speech deduced from the very Cloſets of the Law of nature, that no man ought to be compelled to produce witneſſes againſt himſelf: much leſſe is he to be compelled by this inofficius Oath to give Teſtimony againſt himſelf.*

Plini. Epiſt. l. 10

For my part, 1. I do not take upon me to defend that Statute of the ſecond of *Hen.* the 4*th.* 2. Nor would I in the leaſt excuſe the practiſes of the Popiſh Biſhops proceedings againſt godly men by them termed Heretiques in urging that oath. 3. Nor do I take on me to Juſtifie or excuſe the proceedings by any other in Eccleſiaſtical Courts in the putting that oath on men, nor do I take on me to cenſure that which I know not. 4. Nor do I think ſuch an oath meet to be put on perſons in many of the cauſes Spiritual, as they are called, in which it was wont to be put. 5. I think Presbyters ſhould have the benefit of the Apoſtles Canon, 1 *Tim.* 5. 19. c. I do not think my ſelf fit to determin the point of legality of this oath, as it was uſed formerly, eſpecially conſidering that in the late

Act about reſtoring Biſhops the high Commiſſion and the oath *ex officio* are excepted. Nevertheles ſith, it reacheth to other matters then Eccleſiaſtical, I ſhall ſomewhat conſider what is ſaid on both ſides from the Scriptures, and the light of reaſon. *Lect.* 15.

Now that we may rightly ſtate the queſtion Dr. *Coſin* and *Biſhop Andrews* do both grant. 1. That this oath is not to be tendered in crimes that are plainly hidden, ſo as to ſearch out what mens thoughts, intentions, or affections are which ſhew not themſelves by outward action: nor of ſuch actions or words, as there are no tokens, fame or other ſignes foregoing which may lead men to an inquiry after them. For ſuch plainly hidden faults are reſerved for Gods righteous Judgement. 2. That it is not to be tendred in caſe the crimes be ſuch, as may cauſe loſſe of life or limme: For then men will be tempted very ſtrongly to perjury, that ſaying of *Satan*, *Job* 2. 4. being found often true, *ſkin for ſkin, and all that a man hath will he give for his life.* Wherefore when King *Zedekiah* ſent and took *Jeremiah* out of the Priſon, and ſaid, *I will aske thee a thing, hide nothing from me. Then Jeremiah ſaid unto Zedekiah, If I declare it unto thee, wilt thou not ſurely put me to death? And if I give thee Counſel wilt thou not hearken unto me? Jerem.* 38. 14. by which he ſhewed that he was not to anſwer the King by revealing that which might cauſe his death. Mr. *Joſeph Mede* in the 4*th Part* of his *Diatribæ* on *Prov.* 30. 8, 9. *p.* 163, 164. *Becauſe theft was not puniſhed with Death according to the Divine law, but by reſtitution and recomptnce; this courſe with the Jews was juſt and reaſonable, when no other evidence ſufficient could be brought, to give an Oath to the accuſed to clear and purge themſelves; it being ſuppoſed, that the guilty party, where the puniſhment for theft was but reſtitution, would rather confeſſe his Offence, then to incur ſo haincus a ſin as the ſin of perjury. But with us, who puniſh theft with death, this way of tryal by Oath would be moſt unreaſonable, it being moſt true (though ſpoken by the Father of lyes) ſkin for ſkin, and all that a man hath he will give for his life.* But out of theſe caſes the Authors of thoſe treatiſes think it lawful for a Magiſtrate to enquire of the party concerning his own crime upon oath. §. 2. The queſtion concerning the oath *ex officio* ſtated. § 3. *Exod.* 22 10, 11. 1 *Kings* 8. 31. are alleged for adjuring the perſon guilty to teſtify his crime.

To this end they urge. 1. The Law, *Exod.* 22. 11. *If a man deliver unto his neighbour an Aſſe or an Oxe or a Sheep, or any Beaſt to keep, and it dye, or be hurt, or driven away no man ſeeing it,*

Sect. 15.

it, then ſhall an Oath of the Lord *be between them both, that he hath not put his hand unto his Neighbours goods: and the owner of it ſhall accept thereof, and he ſhall not make it good.* To which is adjoyned that petition in *Solomons* prayer, 1 *Kings* 8. 31. *If any man treſpaſſe againſt his neighbour, and an Oath be laid upon him (Heb. and he require an Oath of him) to cauſe him to Swear, and the Oath come before thine Altar in this Houſe: then hear thou in Heaven.* From hence it is argued. That which is done at the inſtance of a private perſon in his own cauſe may be done by a Publick Officer for the welfare of the Church or State. But the putting an oath to a perſon ſuſpected about a crime penal to himſelf either to clear or convict him might be at the inſtance of a private Perſon in a private matter, therefore ſuch an oath may be put by an Officer upon a perſon ſuſpected about a crime penal to himſelf either to clear or convict him. The *minor* is proved out of the Texts: the *major* is proved from the like or greater neceſſity, that the Publick welfare be preſerved, then a private perſons intereſt be provided for: and there are or may be in ſuch Actions as tend to endanger the Publick peace, often ſuch hidden practiſes, and of ſuch crimes as, without ſuch an oath, none will likely reveal them. Now in ſuch a caſe they may urge a perſon to confeſſe his own crime though it be to his danger as *Joſhuah* did to *Achan*, *Joſhua* 7. 19. *My Son, I pray thee give glory to the God of Iſrael, and make confeſſion unto him, and tell me now what thou haſt done, hide it not from me:* In which it is conceived by ſome that he urgeth him by Oath, the words [*give glory to God, make confeſſion*] ſeeming to import Adjuration by Gods Name. Hereto ſaith Dr. *Ames lib.* 4. *de conſcient. c.* 22. *Sect.* 47. *After accuſation and judgement he onely perſuades him confeſſion.*

Grot. Annot on Matth. 26. 3.

To which may be replyed. 1. That though by the lot he was diſcovered an offendor, yet was not his particular fact known, nor judgement paſt on him. 2. That thoſe who are put to anſwer by the oath pleaded for are not examined without ſome notice of their crime by fame or other tokens which cauſe it to be preſumed they are guilty, and ſo there is an accuſer of them afore the oath is impoſed on them. 3. That the inſtance (whatever other diſſimilitudes there may be) proves this, that there may be inquiry of the party guilty without a particular accuſer. 4. That if

Thoughs

Joshuahs words were onely a suasion, yet the other places are a plain urging on oath, and so the Argument stands good. *Lect.* 15.

2. It is urged, that *Numb.* 5. 19. it is appointed by God in case of the Husbands jealousy of his Wife, that the *Priest shall charge her by an Oath and say unto the woman, if no man have lien with thee, and if thou hast not gone aside to uncleanesse with another instead of thy Husband, be thou free from this bitter water that causeth the curse*, whence may be argued. That may be done or is not against the Law of nature, which God appointed to be done in the case of jealousy. But in that case an oath was put on the suspected person concerning her own crime penal to her to clear or convict her. Therefore now may such an Oath be imposed. §. 4. The Law *Num.* 5. 19. to charge the suspected by Oath is alleged for adjuring a person to testify his crime.

To this saith Dr. *Ames* in the place forecited, *this was a singular appointment of extraordinary disposing by reason of the hardnesse of the heart of the Jews granted, as was the divorce of the Woman who was not an adultaresse.*

To this may be replyed. 1. That this exception is not proved by him. 2. Nor hath it the like reason with the bill of divorce of a woman not an adultaresse against the original Law of marriage to try a Wives chastity by her oath, which hath nothing against the original institution of marriage. 3. Nor is it likely that God would appoint such a way of tryal by oath with a miraculous operation, if it were a thing in it self unlawful, but permitted onely by reason of the hardnes of mens hearts.

4. Although it should be yelded, that there was something miraculous in that action, to wit the effect of the bitter water, and something peculiar to the Jews and appropriate to their Priest, yet that course being not to be practised out of an extraordinay motion, or instinct, but in an ordinary way by the Priest, it proves, that it may be agreeable to equity in some cases, and that it is not simply evil or unmeet to urge guilty persons, or suspected to be guilty to testify upon oath concerning their own crimes, though it may be penal to themselves. §. 5. The answers of *Michaiah* 1 *Kings* 22. 16. of Christ *Mat* 26. 63 the imposing of an oath 1 *Kings* 18 10. are alleged for the Oath *ex officio*.

Thirdly, instances wherein oaths are imposed on holy persons and they answered them and accepted them are alleged for the Magistrates inquisition by the Oath of the parties convented or accused, tho their answers were or might be penal to them or to other godly persons, 1 *Kings* 18. 10.

Lect. 15.

Obadiah a godly man tells *Elijah* the Prophet, *As the Lord thy God liveth, there is no Nation or Kingdom, whether my Lord hath not ſent to ſeek thee: and when they ſaid, he is not there, he took an Oath of the Kingdom and Nation that they found thee not.* Wherein the practiſe is related of impoſing an Oath after a bare denial, concerning a thing, which might have damnified themſelves, to wit, the hiding of *Elijah*, and be treacherous to *Elijah*, if he were diſcloſed, and yet that Oath was taken by Nations and Kingdomes from *Ahab*, either acknowledging ſubjection to him, or becauſe ſuch impoſitions of Oaths were uſual, and agreeable to the practiſe of the *Iſraelites*, among whom doubtles there were ſome of the *ſeven thouſand who had not bowed their knees to Baal*, 1 *Kings* 19.18. who would not have ſubmitted to that Oath, if it had been unlawful to have taken it. But the chief inſtances are, 1. That of *Michaiah*, 1. *Kings* 22. 16. where we read that after *Ahab* had diſcerned the former anſwer of *Michaiah*, *v.* 15. to be Ironical or by way of irriſion uſing the falſe flattering Prophets Words, but with ſuch geſtures as did ſhew, that he did it in mockage of them, and *Ahab* the King then ſaid to him, *How many times ſhall I adjure thee, that thou tell me nothing but that which is true in the Name of the Lord?* Whereupon he gave an anſwer, though it cauſed both his ſmiting on the cheek, *v.* 24. and his impriſonment and hard uſage, *v.* 27. whence is urged, that a Superiour may adjure or bind by Oath a ſubject, and he is bound to anſwer, tho the anſwer occaſion his affliction, and perſecution. 2. That of our Lord Chriſt himſelf, *Matthew* 26. 63. where we read, that notwithſtanding witneſſes alleged many things againſt him, and *The High Prieſt aroſe and ſaid unto him, anſwereſt thou nothing? What is it, which theſe witneſſe againſt thee?* Yet *Jeſus held his peace, till the High Prieſt anſwered and ſaid unto him, I adjure thee by the living God, that thou tell us, whether thou be the Chriſt the Son of God And then Jeſus ſaith unto him, thou haſt ſaid: Nevertheles I ſaid unto you, hereafter ſhall ye ſee the Son of man ſitting on the right hand of Power, and comming in the Clouds of Heaven.* This inſtance was conſidered by me before Lect. 7. *Sect.* 7. and there it was proved, that it was an urging of Chriſt to anſwer upon Oath, and that our Lord not anſwering before did then anſwer directly, and thereby acknowledged the lawfulnes of urging an Oath by a Superiour that is a Judge, and the binding force of it ſith he anſwered

anſwered being charged by it, & thereby aſſented to it or accepted it, and it being for convincing him by his own anſwer, when witneſſes brought not ſufficient matter againſt him, and ſo condemning him, ſhewed that Chriſt allowed ſuch a kind of examining upon Oath by a Superiour having Authority, and that now Judges may ſo examine, and Subjects ought in like manner to anſwer upon Oath, out of all which this Argument may be framed. That ſort of inquiſition may be lawfully uſed and ought to be ſubmitted to, which was yelded to by Godly Perſons in *Ahabs* time, and admitted by our Lord Chriſt. But inquiſition by the urging men to anſwer upon Oath concerning things propounded or objected as crimes penal to the anſwerer by a Superiour was yelded to by Godly Perſons in *Ahabs* time, and admitted by our Lord Chriſt, therefore ſuch inquiſition may be lawfully uſed, and ought to be ſubmitted to. *Lect.* 35.

Dr. *Ames* in *his 4th book of Conſcience, ch.* 22 *Sect.* 48. anſwers 1. *Chriſt anſwered the High Prieſt not becauſe he was lawfully adjured, John* 18. 20, 21.

To which it may be replied, to other learned men it ſeemeth otherwiſe that Chriſt was lawfully adjured, and that he anſwered for that reaſon. *Davids Parem* in his *Comment on Mat.* 26. 63. ſaith thus, *Becauſe he ſeeth Chriſt neither to anſwer to witneſſe nor himſelf, he endeavours by Adjuration to extort an anſwer. He ſeemes to do this by the Office of a Judge. I adjure thee*] *for: I by the Office of a Judge, in the Name and by Command of God I command thee to anſwer, and being ſworn to ſpeak Truth according to thy conſcience, that if thou be ſilent or ſpeak not Truth God may puniſh thee, yea thou mayſt incurre the penalty of contemning the Magiſtrate. I ſay, the Hypocrite ſeems to do nothing beſides the Office of a Judge. For it belongs to a Judge when the accuſed delay or do not confeſſe not onely to tender Oaths to anſwer to the things objected, but alſo to examine them that deny by queſtions of torments, when to wit the accuſed are notoriouſly ſuſpected and there want not ſufficient documents. On* v. 64. *Thou haſt ſaid*] *there Chriſt breaks off ſilence, and anſwers ingenuouſly: both, becauſe being ſworn he is asked: leſt he ſhould ſeem a contemner of God, and becauſe it behoved the glory of God to profeſſe the Truth to enemies, that they might be made inexcuſable, although he were not ignorant of their lying in wait and his own danger.* The Annot. in *Engliſh* by ſome Divines *on Matth.* 26. 63. *I adjure thee*] *So* 1 *Kings* 22. 16.

Lect. 15.

16. Ἐξορκίζω, *The meaning is, upon thy Oath, and by the Authority of a Judge, in the Name of God I command thee.* Nor doth the Text, *John* 18. 20, 21. yeld any thing to prove, either that the High Prieſt did unlawfully adjure Chriſt, or Chriſt not anſwer, as a Sworn perſon and one that acknowledged he ought to anſwer to his interrogation as a Subject to his Superiour. For in that place *the High Prieſt asked Jeſus of his Diſciples and of his Doctrine, v.* 19. and therefore he refers the High Prieſt to his hearers, *v.* 20, 21. But the Interrogatory, *Mat.* 26. 63. is of his perſon, and by Adjuration of *the Ruler of Gods People, Acts* 23. 5. and Judges by Gods appointment, *Deut.* 17. 9. 12. and *to make inquiry as Judges, Deut.* 19. 17, 18. So that however in reſpect of the motive in the High Prieſt, and his end, and manner of doing the Adjuration were unlawful, yet it follows not, Chriſt turns off the High Prieſt to his hearers as a meeter way to know his Doctrine, when he was charged with no particular errour or fact, therefore he did not rightly Adjure Chriſt, when he asked him whether he were Chriſt the Son of God? much leſſe that it is unlawful for a Superiour to Adjure an accuſed perſon to anſwer concerning his own faults, which may occaſion puniſhment to him. Nor can ſuch a thing be ſurmiſed of Chriſt, as ſo conceiving, but the contrary by his anſwer to the Adjuration appears.

2. Saith Dr. *Ames.* *Chriſt anſwers no otherwiſe then to Pilate who did not Adjure him.*

To which may be replyed, that it is true, Chriſt did anſwer to *Pilate* without an Adjuration, *John* 18. 37. and this was his *good confeſſion*, 1 *Tim.* 6. 13. But how this proves, that either the High Prieſt did not lawfully Adjure, or that Chriſt did not anſwer the High Prieſt as a perſon Sworn and one that acknowledged thereby his Authority, and the lawfulnes of ſuch Adjuration, and the duty of anſwering ſuch Authority ſo Adjuring as bound by Oath, I ſee not. It rather proves that Authority is to be anſwered truly though demanding without Adjuration, as if the Judge did Adjure, and ſo doth more ſtrongly confirm the poſition. For if a perſon is to declare the Truth to a Judge demanding him to anſwer without an Oath, much more when Adjured. And it yelds a good Argument, ſith Governours are not to be deluded, and it concerns all Nations, that Judicial proceedings

ceedings be not ſtopped, which they would be, if delinquents ſuſpected were not to anſwer, they ought to anſwer whether Sworn or not, and when they anſwer to ſpeak Truth though unſworn, ſith God hates lying as well as perjury. *Lect.* 15.

3. Saith Dr. *Ames*, *Not that he might confeſſe a Crime, but that he might bear witneſs to the Truth, John* 18. 37.

To which may be replyed. It is true, Chriſt did not anſwer to confes a Crime, for he was guilty of none, yet ſith he did anſwer that which was counted, *John* 19. 7. *Mat.* 26. 64, 65, 66. a Crime and Blaſphemy, and for which they judged him guilty of death it appears, that Anſwers are to be made to Authority, urging by Oath, even in ſuch caſes: and that witneſſe ſhould be born to the Truth, notwithſtanding danger that might enſue thereupon.

Fourthly, Some more inſtances are alleadged of urging others promiſſory on perſons, though to their damage, which therefore prove, that an Oath is not to be refuſed becauſe it is penal to a perſon: and that it was not an extraordinary thing, but ordinary among the Jews to urge men with Oaths in their own Cauſes, binding them by Promiſſory Oaths to things, if not performed penal to them. Thus did *Solomon* bind *Shimei* by Oath, 1 *Kings* 1. 38. 42. that he ſhould not go out of *Jeruſalem*, nor *paſſe over the Brook Kidron* upon pain of death. *Ezra* likewiſe, *Ezra* 10. 5. 12. made the delinquents, who had taken Wives & had Children by them, contrary to the Law of *Moſes*, to bind themſelves by Oath to put away their Wives and Children. *Nehemiah* alſo, when the Nobles and Rulers had taken Uſury from their Brethren, required them by an Oath, to make reſtitution, *Nehem.* 5. 12, 13.

§. 6 Some promiſſory Oaths impoſed with the Law, *Levit* 5. 1. to prove adjuration of a perſon accuſed lawful are alleadged.

Fifthly, It is alleadged alſo that *Levit.* 5. 1. this Law is eſtabliſhed, *And if a ſoul ſin, and hear the Voice of ſwearing and is a Witneſſe, whether he have ſeen or known of it, if he do not utter it, he ſhall bear his iniquity.* It is agreed upon, that by the *Soul* is meant the perſon, and that the perſon that ſins is different from the perſon that is a Witneſſe, but the difficulty is, what is meant by *the voice of Swearing* קול אלה. *Junius*, after him *Piſcator* read it, *the voice of Blaſphemy*, and they make the ſenſe to be, if a perſon ſin by Blaſphemy, and another hear the voice of Blaſphemy uttered by his neighbour, and is a Witneſſe whether he hath ſeen or known it, if he utter it not ſo as to rebuke the Blaſphemer to puniſhment, he

ſhall

Lect. 15. ſhall bear his iniquity. But this interpretation is not right: for it ſuppoſeth the voice of Blaſphemy to be ſeen or known ſome other way, and that of this he is witneſſe, and yet the Perſon witneſſing is ſaid to hear it, and therefore is a Witneſſe by hearing, not by ſeeing, and by his own knowledge upon hearing, not by ſeeing or any other perſons diſcovery. And therefore it muſt be meant of ſome other thing in which the Soul ſinneth, which the perſon that is witneſſe may have ſeen or known by ſome means or other. Some conceive *the voice of Swearing* to be the taking of an oath, not adjuration, and the ſence is made thus, If a Soul ſin, and another hear the voice of a man ſwearing concerning that ſin not truly or imperfectly, and he is a witneſſe of the thing as it was, whether he hath ſeen or known it, & ſtanding by utters not, but conceals his Teſtimony, ſo as that Judgement doth not proceed rightly, he ſhall bear his Iniquity for not voluntarily offering himſelf to teſtify the Truth. But this ſenſe ſeems not right, 1. Becauſe there is nothing imputed as amiſſe in the Swearing, that need to be amended, nor is there any thing about the perſons bearing his iniquity who uſeth the voice of ſwearing, but of him that heareth it and uttereth not. 2. That which he is to utter, is not what he heard of the voice of Swearing wherein it was defective, but what he hath ſeen or known. 3. The Greek Tranſlation of the ſeventy renders it ἀϰοὴν ῥητοῦ ἀϰούσῃ *bear the voice of Adjuration*, not *of ſwearing*, and therefore it muſt be meant of adjuring or binding another under an Oath or Curſe to reveal what he knows. Now this is to be underſtood either of Adjuration of a definite perſon or indefinitely any one that knows, or a whole City as in the Caſe of a man ſlain, and the murderer is unknown, as *Deut.* 21. 1. 7. and theſe ſorts of Adjuration may be by a private perſon as by *Micahs* Mother, *Judg.* 17 2. or by a Judge, or Prieſt, as when the High Prieſt adjured Chriſt, and *Ahab Michaiah*. It may be that the Adjuration may be of a definite perſon by a private perſon, as in the caſe of a perſons withholding goods or ſtealing them, he that is Witneſſe, may be adjured by the perſon damnified to utter his knowledge concerning the ſin of him that ſtealeth, and for not uttering it ſhall bear his iniquity. Or the ſenſe may be of the adjuration of a Judge, as the *Chaldee* Paraphraſt adds, and ſo of things that come to tryal before the Judge, in which *caſe the*

Auguſt. quæſt in Levit. ad cap. 5. quæſt. 1.

Judges

Judges (ſaith *Grotius* on *Mat.* 26. 63.) *were wont to uſe ſuch adjuration* whether of all or any indefinitely, to teſtifie what they could in that cauſe, or of ſome definitely, if they did not utter what they were witneſſes of, whether they had ſeen or known concerning the ſin of the ſoul that ſinned, they were to bear their iniquity. And this was done eſpecially in the Caſe of Murders and Thefts, of which the Actors were undiſcovered. Therefore as in the caſe of jealouſie the ſuſpected Wife was to be adjured, *Num.* 5. 19. So in the Caſe of Murder, a ſpecial adjuration by execration is appointed, *Deut.* 21. 5, 6, 7. And in Caſe of keeping the thing depoſited, *Exod.* 22. 11. And of things found or ſtollen there was adjuration, 1 *Kings* 8. 31. And therefore about theſe were often perjuries, *Levit.* 6 2, 3, 4, 5. and theſe forbidden together, *Levit.* 19. 11, 12. And ſheft and perjury joyned together, *Zech.* 5. 3, 4. And *Agur* prayed, *That he might not ſteal and take the Name of God in vain*, as Mr. *Mede* obſerves in his *Diſcourſe* on *Prov.* 30. 8, 9. And of Adjurations eſpecially in theſe caſes (whereby the perſon whoſe goods were kept from him, which was with curſing to him that detained them, as *Judges* 17. 2. It is ſaid of *Micahs* Mother, and therefore the word, *Levit.* 5. 1. is אלה which ſignifies adjuration with a Curſe to him that kept anothers goods or concealed the Theft, as it is uſual even with us, for perſons Robbed to curſe the Thief, whether the adjuration were by the perſon wronged before the Judge, as the words of *Maimony* cited by *Ainſworth*, on *Levit.* 5. 1. intimate, or elſe where, as likely it was in *Micahs* Mother, *Judges* 17. 2. or by the Judge himſelf, whether if the perſon adjured were definite or indefinite) if he did not Witneſſe his knowledge it is ſaid he ſhall bear his iniquity. Whence it is that *Solomon* ſaith, *Who ſo is Partner with a Thief, hateth his own ſoul: he heareth curſing and bewrayeth it not*, Prov. 29. 24. in the *Greek* it is, *If they hear the Oath added do not declare it*, where the very terms are uſed, which uſe, *Levit.* 5. 1. and therefore undoubtedly *Solomon* alludes to that Law. So that this is the Law, that if any ſin be committed, and another that is a Witneſſe, whether he hath ſeen or known it, eſpecially in unjuſt detaining of goods, hear the party wronged or the Judge adjure by an Oath of execration any perſon that knows, or a particular perſon by name to teſtifie his knowledge, if he do not utter what he knows

Lect. 15.

Lect. 15. knowes he ſhall bear his iniquity. Whence it is inferred, That which God requires of a perſon adjured by a prrivate perſon wronged, or a Judge in the Cauſe of a private perſon is much more to be done in a matter of publick concerment, when a publique Magiſtrate adjures. But a Witneſſe that knows a ſin is to utter it upon adjuration by a private perſon wronged, or a Judge in the cauſe of a private perſon, therefore a Witneſſe that knows a ſin is to utter it upon the adjuration of a publique Magiſtrate.

If any ſay, this was a meer Judicial Law of the Jews, and therefore binds not us, or that the perſon adjured was not the Party accuſed but a witneſſe, or that the crime is made known afore the adjuration. I confeſſe theſe Expoſitions are good againſt the urging this particular Law, yet not againſt the equity of it as it is in the Argument. For if God would have ſuch diſcovery for a particular mans benefit, much more for the publick ſafety and peace, and though the witnes were not the ſoul that ſinned, yet he might be the partner, as *Prov.* 29. 24 intimates, and ſo the Perſon guilty, and though the Crime in general was before mentioned, yet not the particular circumſtances, and therefore the Argument as framed may be good notwithſtanding theſe Exceptions.

§ 7. Gods Commind *Deut.* 13. 4 & 21. 6. are urged for ſuch Adjuration with *Calvins* practiſe & the neceſſity of it.

Sixthly, It is urged that God enjoynes *Deut.* 13. 12, 13, 14. *If thou ſhalt hear ſay in one of thy Cities, which the Lord thy God hath given thee to dwell there, ſaying, certain men the children of Belial are gone out from among you, and have withdrawn the Inhabitants of their City, ſaying, Let us go and ſerve other gods, which ye have not known: then ſhalt thou enquire and make ſearch and ask diligently.* This Enquiry was likely of ſome that were guilty, and ſo they were to teſtifie of their own crime, and there being no particular way limited the Magiſtrate might Examine them by Oath. And when the Prieſt is to require of a City a general Abjuration of the fact of the murther of a perſon near them, the murtherer being unknown, *Deut.* 21. 6. the guilty was to be adjured as well as the innocent, therefore ſuch adjuration is agreeable to Gods Law. To which may be added that *Calvin Epiſt.* 71. relating the carriage of ſome who were called to the Conſiſtory at *Geneva, when they ſlighted theholy Obteſtations uſed to them*, ſaith, *Cenſui ut jurejurando ad rei confeſſionem adigerentur*, *I judged that they ſhould be urged by Oath to confeſſe the truth.* And in his 290*th.* Epiſtle anſwering

a

a perſon unnamed in three heads, of the ſecond ſaith thus, *As for that which pertains to the exacting of an oath in the Conſiſtory, we muſt deal prudently, that we may prevent the diſtractions and whiſpers of evil men. It will be therefore expedient, when it is need, to adjure them which ſhall be called, and to ſet them as it were before the Tribunal of God, ſith he himſelf is Preſident in ſuch an Aſſembly: But we muſt carefully abſtain from all ſuch manner of dealing, which may have a ſhew of juriſdiction, or even ſome thing that is not diverſe from it.* Lect. 15.

Beſides it is alleadged, that in many crimes, which are done ſecretly, which tend to the overthrow of the Commonwealth, there is a neceſſity to proceed this way, elſe ſuch ſins will not be puniſhed, nor the miſchiefs conſequent on the impunity of the peccant prevented.

And if a Perſon may not be urged upon oath to anſwer in a matter of his own crime penal to himſelf, neither is he to be urged to anſwer without an oath. For, unles he will ſin againſt God by lying, his anſwer will as much detect his crime without an oath as with an oath, though lying be leſs then perjury, yet both are ſuch, and ſo damnable, as that none is to practiſe either. And then either anſwering is to be denyed, and as Biſhop *Andrews* in his *Star-Chamber Speech concerning vows*, ſaith, *then were Juſtice quite overthrown, and could not proceed, and the two Pillars Juſtice and Equity, which uphold all, would be ſhaken or lying to be allowed.*

§ 8. The determinations of *Dr. Ames* about the Oath *ex Officio* are examined

Dr. *Ames* l. 4. *de Conſcientia*, c. 22. q. 15. *propounds the Queſtion, whether it be lawful for a Judge to exact an Oath of an accuſed perſon concerning a Crime objected to him? This Oath is called inquiſitory and* ex officio. He Anſwers, 1. *That it is not lawful at all concerning a Crime plainly hidden. Becauſe onely God judgeth of ſecret things.* This will be readily granted.

2. Saith he, *It is not lawful to tender an Oath to any, by which he ſhould be compelled to accuſe himſelf of a Crime. For it is againſt Nature, that a man ſhould call for puniſhment to himſelf.*

2. *Becauſe by this Reaſon very many would be drawn to perjury.*

To which it may be anſwered, That in the Oath he impugns the Anſwerer is not compelled to accuſe himſelf: Fame or ſome other way of denunciation is the Accuſer, and it is the reſolution of *Rivet* on the ninth command *de officio Judicis. And that indeed is commonly Anſwered, that a Judge ought*

Lect. 15. *not to proceed without an Accuſer, at leaſt in Criminals, nor in civil Cauſes without an Actor. But ſome things are Equivalent to Accuſation: ſome Cauſes alſo do claim to themſelves the place of an Accuſer. The denouncer, although he be not properly a true Accuſer, yet if any bring the Crime to the Judge, ſometime there is proceeding in Iudgement without a formal Accuſation. The ſame may be ſaid of him that complains; for there is alſo proceeding upon complaint; yea ſometimes by the evidence of the Crime done, which hath the place of an Accuſer, when not onely the Crime is notorious, but alſo the accuſed perſon is himſelf known. Alſo the Inquiſition of the Judge ex officio out of his Office, may ſupply the ſtead or turn of an Accuſer.* Yet it is not denyed that a perſon may be a witneſſe againſt himſelf. For though it be againſt nature, that a man ſhould furiouſly or wilfully without any cauſe afflict himſelf, or bring puniſhment to himſelf, yet it is agreeable to nature that a perſon obey God and the Magiſtrate, and do his duty, tho it ſhould tend to his dammage, as *he that ſweareth to his own hurt, and changeth not*, Pſal. 15. 4.

It is not againſt nature for a man to confeſſe the Faith to the Glorifying of God, though it cauſe his death, nor to adventure his life for his Countrey, or his Prince. Nor is it likely that very many would be drawn to perjury by anſwering upon Oath in matters of their own Crime, where the penalty is not loſſe of Life or Lim: and if they ſhould, it would be by accident to the Act of the perſon adjuring, and thoſe who would forſwear themſelves, ſhew they would do worſe miſchief, and are therefore the more ſtrictly to be examined.

Thirdly, ſaith Dr. *Ames*, *An accuſation foregoing, it is not lawful to exact ſuch an Oath from any one in the place of a proof, becauſe all judgement ought to be founded in witneſſes, and thoſe Arguments, which have the force of Teſtimony*, Deut. 19. 15. *One witnes ſhall not riſe up againſt a man for any iniquity or for any ſin, in any ſin that he ſinneth: At the Mouth of two witneſſes, or at the mouth of three witneſſes ſhall the matter be eſtabliſhed*, 2 Cor. 13. 1. *In the mouth of two or three witneſſes ſhall every word be eſtabliſhed.*

To which it may be anſwered, That this ſpeech is abſurd, that a perſons anſwer ſhould not be in place of a proof; ſurely all men skilful in Laws and Government, do count a mans own anſwer, either upon Oath or without, the beſt proof, and

in

in all Tryals that is never put to be proved, which is confeſſed: otherwiſe there were no need of anſwer to Declarations, Bills and Enditements, if thereby the cauſe were not put to iſſue, & that onely to be proved which is denyed. Was that an unjuſt Speech, *Luke* 19. 22. *Out of thine own mouth will I judge thee thou wicked Servant?* The Texts indeed prove, that the Law requires more then one Witneſſe, when the thing is to be proved by Witneſſes: but not that all judgement ought to be founded in Witneſſes, or other Arguments which have the force of a Teſtimony, excluding a mans own confeſſion. *Lect.* 15.

Yea Dr. *Ames* himſelf l. 5. *de conſcientia*, c. 54. q. 8. ſaith thus §. 35. *Yet this hinders not, but in lighter cauſes, eſpecially when it is not for condemning of ſome man, one witneſſe of ſpecial credit may ſuffice. Alſo in ſome crimes, about the proof of which according to the nature of the thing, there cannot ſpeaking morally be expected or found two witneſſes, as in night wicked practiſes, in Adultery and the like, other proofs may ſuffice, although there be not two witneſſes teſtifying the ſame ſingular fact. The Reaſon is, becauſe the Nature of the thing and the publick neceſſity makes this exception from the Univerſal Rule.* Sect. 36. *Not onely the evidence of the Fact, his own confeſſion not extorted, written inſtruments, but ſometimes alſo preſumptions, if they be not raſh or light, but plainly violent and convincing, have the force and place of Teſtimony,* 1 Kings 3. To which I add his words in the ſame ch. §. 9, 10. to anſwer him by himſelf, *Yet by the Law Natural and Divine, onely a ſufficient witneſſing of the Fact is required to paſſe a judicial ſentence: which is often had without a formal accuſer: when to wit there are other things which ſupply the turn of an accuſer, as the manifeſt evidence of the Fact and publick infamy, in which is contained a virtual Accuſation. It often pertains to the office of a Judge to proceed by way of inquiſition, where there is no inſtance of any accuſer. For without this.* 1. *all Judgements would depend on the will of the Accuſers.* 2. *That Juſtice would ceaſe, which is neceſſary to curb hainous Vices, and to purge and preſerve the Common-wealth.*

Fourthly, ſaith he, *Infamy going before, or the proof being not ſufficient, and full proof failing, a man may be admitted to an Oath of purgation, if that he offer himſelf ready,* Exod. 22. 11. *But he cannot be compelled to it.*

To this it may be anſwered, that the Text alleged is of an Oath required of another, and therefore rather againſt

Lect. 15.

his purpoſe, then for it: nor is there any reaſon, why a man may not be compelled to clear himſelf by Oath, as well as by plain aſſeveration, in which he is to ſpeak true, underſtanding this of cauſative compulſion as by fine, or ſuch like penalty, not abſolute, as by torture.

Fifthly ſaith he, *If the offence be notorious, any man may be asked generally of the Author even under the Religion of an Oath*, Deut. 21. 7. To which may be anſwered, there is no reaſon given why any perſon may not be asked in particular whether he who knows it be the Author, ſith upon the general inquiſition he is bound to diſcover who is the Author, or elſe incurs the curſe, and ſo it comes to one paſſe. And Dr. *Ames* himſelf ſaith, ch. 54. Sect. 14. l. 5. *de Conſcientia. But if the infamy, probable ſuſpicion, complaint or denuntiation be made of this or that perſon as Author, then a ſpecial Inquiſition may be had of that perſon, whether he be the Author of the Crime or not? For then by a certain publique notice the Judge proceeds as a publique perſon. And in ſuch notice a certain virtual accuſation is contained*, Deut. 22. 14. &c.

It is objected againſt the Oath *ex officio* that, if it be put in practiſe, it takes away the liberty of the Subjects and is an inſtrument of oppreſſion.

To which it is anſwered, that as it was uſed by the Popiſh Prelates according to the Statute 2 *Hen.* 4. it was an Engine of much evil, So in the Act of 25 *Hen.* 8. c. 14. it is acknowledged *that the moſt expert man being examined upon ſuch captious interrogatories as were accuſtomed to be miniſtred by Ordinaries, in caſes where they would ſuſpect any man of hereſie, &c. could not avoid the penalties and dangers of that Statute*, and therfore was termed by Mr. Fox *a bloody Act*, and juſtly ſince repealed: And whether it were always well uſed ſince the Reformation I cannot determine: doubtles without due limitations the practiſe of it may be of very ill conſequence. Onely this I ſay, that the abuſe doth not take away the uſe: which is a ſufficient anſwer to this objection: my purpoſe being onely to argue the point, that mens conſciences may be informed of what may be done and ought to be yelded to, if it be juſtly put in practiſe.

Adjuration

Adjuration improperly called may be ſometimes uſed.

Exod. 20. 7. *Deut.* 5. 11.

Thou ſhalt not take the Name of the Lord thy God in vain, for the Lord will not hold him guiltleſs that taketh his Name in vain.

Lect. 16. *Of Exorciſme or Adjuration improperly called.*

§ 1. Adjuration improper is an aſſay to bind by an Oath as if it were taken.

THERE remains that Senſe of Adjuration, wherein a perſon bindes or aſſays to bind another to do ſomething by interpoſing of Gods Name, though the party ſo to be bound Swear not expreſſely. This is defined by *Aqu.* 2*a.* 2*æ. q.* 90. *Art.* 1. thus, *To Adjure is not to induce ſome one to Swear, but by a certain ſimilitude of an Oath induced by him to provoke another to do ſomething.* Now concerning Adjuration in this Senſe we are to conſider to whom it is to be extended, and what force it hath. The things to which it may be conceived to extend are, 1. God, 2. Men, 3. Angels, 4. Irrational Creatures.

Concerning God, *Aqu.* 2*a.* 2*æ. q.* 90. *Art.* 1. ſaith, *That we may in a manner Adjure God by things Sacred, ſo we do it not in manner of Command, but intreaty: Not as if we could change his will, which is immutable, but that from God we may obtain ſomething by his eternal will, not for our merits, but through his bounty,* as he ſpeaks rightly. And thus with due Submiſſion as men do complain to God, beg of God, *wraſtle with God as Jacob, Gen.* 32. 24. *Hoſ.* 12. 3. claim of God, expoſtulate, reaſon and plead with him, ſo may they Adjure God in a ſort, or charge him by his mercies by his promiſes, Covenant, love in Chriſt, to anſwer their prayers. So *Moſes* doth, *Exod.* 32. 13 *Remember Abraham, and Iſaac and Iſrael thy Servants, to whom thou ſwareſt by thine own ſelf, and ſaidſt unto them, I will multiply your Seed as the ſtars of Heaven* And thus we may urge God in our Litany or Supplication by the Agony, Croſſe, Paſſion, Death, Burial of his Son to deliver us, without faulty con-

Lect. 16. conjuring or ſwearing. But to ſpeak as it is indeed this is no adjuration in the uſe of the word, but Obteſtation or Obſecration.

§ 2. Adjuration improper of men may be lawful. The Adjuring of men in this Senſe is more near the moſt proper Senſe of Adjuration: and thereof there are ſundry examples in the Holy Scriptures. Some there are in which a charge is laid on them that are unborn, as *Joſh.* 6. 26. *And Joſhua Adjured at that time ſaying, curſed be the man before the Lord that riſeth and buildeth this City Jericho: he ſhall lay the Foundation thereof in his Firſt-born, and in his youngeſt Son ſhall he ſet up the gates of it*, which befel *Hiel* the *Bethelite* in the dayes of *Ahab*, 1 *Kings* 16. 34. By ſuch Adjuration was *Saul* bound that he ſhould not ſlay the *Gibeonites*, *Joſh.* 9. 19, 20. 2 *Sam.* 21. 1, 2. So may a Covenant or Oath of Progenitors bind the poſterity, as that *Deut.* 29. 14, 15. the Oath of Predeceſſors bind the Succeſſours, as the Oath of obſerving the *Magna Charta* in a former age may bind this Generation. Sometimes the Adjuration is of the abſent, as when *Saul* Adjured the people even *Jonathan*, though he were not preſent, with the imprecation which is, 1 *Sam.* 14. 24. ſo *Paul* Adjures the *Theſſalonians*, 1 *Theſ.* 5. 27. and theſe are uſually by way of curſing or execration, and may bind and take hold on perſons ſpecially, when they are made by a Superiour, or one that is of a Prophetical Spirit, either by way of imprecation, or prediction. Sometimes the adjuration may be of perſons preſent, as when the Devil, *Mark* 5. 7. *crying with a loud voice ſaid, what have I to do with thee Jeſu Son of the moſt High God, I Adjure thee by God torment me not*, in *Luke* 8. 26. it is *I beſeech thee*, and ſo is not to be conceived to have bound any further then he was willing; Of the adjurations of *Ahab*, 1 *Kings* 22. and of the High Prieſt I have ſpoken before, *Lect.* 7. and 15. Such a Solemn adjuration is in the form of Solemnization of marriage in the *Engliſh Liturgy*, where the perſon Solemnizing marriage is thus directed to ſay to the perſons to be married. *I require and charge you as you will anſwer at the dreadful day of Judgement, when the Secrets of all hearts ſhall be diſcloſed, that if either of you do know any impediment why ye may not be lawfully joyned together in Matrimony, that ye confeſſe it. For be ye well aſſured that ſo many as be coupled together, otherwiſe then Gods Word doth allow, are not joyned together by God, neither is their Matrimony Lawful.*

Now

Lect. 16.

Now concerning this sort of adjuration *Aquinas 2a. 2æ. q. 90. Art 1. Zanchius in 3um. Præceptum Tom. 4. Thesi. 3a. de Adjuratione* and others resolve, that it is lawful both in Superiours to adjure their Inferiours, and also for inferiors to adjure their Superious. By Superiors are meant those to whom we owe obedience, as Magistrates, Parents, Masters, Ministers or Pastours, Teachers, Tutors, Judges and such like. Thus may a Prince charge in the Name of the Lord, and a Pastour or Teacher charge in the Name of Christ, and a Father his Child upon the expectation of blessing from God, and others them that are Subject to them, and that by way of command, threatning, or in some cases imprecation of evil, Provided that the thing they adjure them about be nothing but just, and that it be a weighty matter, without which the Name of God is not to be interposed. With the same considerations, or provisoes inferiours also may adjure their Superiours, yet not by way of command, nor so as that they intend by using Gods Sacred Name to impose a necessity upon their Superiours of doing what they urge them to by their adjuration. Which is to be understood, if the thing be not simply necessary to be done without that adjuration: But in the things necessary to be done, and not left to their liberty; If a Superiour, as a King or Judge be humbly adjured for Gods sake, in his Name to do justice, to relieve the oppressed or the like, there may be adjuration of an Inferiour with intention of imposing a necessity on the Superiour to do what the Inferiour requireth.

§ 3 Adjurations of inferiours bind by the equity of the thing urged, of superiours by their command also.

But then it may be asked how far these lawful adjurations do bind the persons adjured.

Whereto I Answer. The intent of all adjurations is, as *Aquinas* saith *ubi supra, unmoveably to order or dispose the Adjured to do something by Invocation of Gods Name.* Which is in Inferiours to Superiours by way of deprecation, and therefore more properly a sacred obtestation then an adjuration, as when the poor intreats the rich and mighty by the passion of Christ, the love of God or the like to do them right, or to give them such or such a thing. Now this doth not bind the adjured person of it self. For he is not subject to that person that doth adjure, whereas if the adjuration it self did impose a necessity on him that is adjured, it must be by reason

Lect. 16. reason of subjection: yet it may bind in respect of the equity and necessity of the thing required in the adjuration, and so much the more forcibly by reason thereof. For every one ought to be moved by the reverence and love they owe to Gods Name, and sacred things especially if the matter be otherwise necessary. As it would be a sin in those that saucily and peremptorily adjure their *Superiours* in light matters, and things unmeet to be asked, so it would be likewise the sin of disregard and profane esteem of Gods *Name* in those *Superiors*, who will not be moved therewith, if they be duely Adjured by it. And therefore when great ones out of pride or impatience do reject the humble supplications of afflicted or oppressed Petitioners, as Widdows, Orphans, or the like though they with tears presse them for Gods, Christs sake to help them, as they shew much unmercifulnesse, insensiblenesse of Gods favour, and Christs love to sinners, so much Irreverence to God, and the Lord Christ, by whose Name they are importunately moved to succour them.

On the other side the Adjuration of Inferiors by *Superiors* binds the Inferiours, not onely by reason of the necessity or equity of the thing required, but, if the thing be otherwise indifferent, and such as the Inferiour is to be commanded in, by vertue of the command, and that not onely as a command, but also as a command strengthened by a *Sacred* thing: Insomuch that disobedience thereto would be not onely disobedience, but also in some measure profane disobedience. I will not call it perjury, unles they did expresly assent to the Oath, as *Shimei* did or take it upon them by some signe. Thus the *Israelites feared the Oath*, which *Saul* adjured them by, though they did not expresly say *Amen* to it, 1. *Sam* 14. 26. and our *Saviour*, if he did not take the Oath on him, when the High Priest adjured him, *Mat* 26. 63. yet by his answering to it, shewed he conceived himself tied to regard it, and not to slight his charge by the Living God.

And thus *Pauls* adjuration, 1 *Thes.* 5. 27. did bind the *Thessalonians*, and the adjuration of Ministers to the married persons at the *Solemnization* of Marriage doth bind people now, and such adjurations as are rightly made by Magistrates, Parents, Masters, Tutors should have a firm impression on *Subjects*. Nor is it a small sin in them that wantonly,

ly, petulantly, disdainfully or carelesly neglect them, especially when they are pressed by Parents near their death as *Jacob* did *Joseph*, and the Parents be pious, and prudent and loving to their Children, unlesse they require that which is unlawfull, as when Parents require their Children not to forsake Popery, or otherwise unreasonable. *Lect.* 16.

§. 4. Holy Angels are not to be adjured.

There is another sort of adjuration, and that is of Angels, who are either good or bad. Now concerning good *Angels* I do not find them adjured in Holy scripture, nor do I know how we should adjure them without sin, as it is now with us. We are not to adjure them by way of deprecation, sith they are not every where, nor omniscient, nor are we certain who, when, and how they are present with us, nor hath God directed us to invocate them, but *the Worship of them* is made a part *of not holding the head, Colos.* 2. 18, 19. nor are there any promises made by God to them that shall adjure them thus: Nor are we to do it by way of command, for though they be our fellow-servants, yet are they not our servants but Gods, whom *they require us to worship and not themselves, Revel.* 19, 10. and 22. 9. They are indeed *Ministring Spirits sent forth for us, Heb.* 1. 14. but not by us. Though a charge may be given before them, and with respect to them as *Spectators*, 1. *Tim.* 5. 21. yet not by them as avengers of contempt, so as to swear or adjure by them; Onely because they observe our carriage and order in the Church of God, 1 *Cor.* 11. 10. and it is distastful to them, that we do any thing foolishly and indecently, therefore we should avoid doing what they dislike, *Eccles.* 5. 6. and *not despise those little ones that believe in Christ* so as to provoke them against us, *Mat.* 18. 10. but do *that which may rejoyce them, Luke* 15. 10. In no case adjure them by way of command, over whom we have no Empire now, however *we shall judge them*, 1 *Cor.* 6. 3.

§. 5. Adjuration of Devils imperatively is lawful to them who have power over them, not to others, nor other ways.

But the question about adjuration of evil *Angels*, of which we read the practise in holy Scripture, hath more difficulty. Concerning which there was some dispute between *S. H.* and *John Darrell* and others upon occasion of dispossessing some persons in the latter end of Queen *Elizabeths* dayes, whether it may be lawfully done now? leaving all matters of inquiry concerning the relations about those possessions and dispossessions, and taking it for certain from the Narra-

Lect. 16.

tions of the Evangeliſts, ancient relations of the Fathers, and our modern Hiſtories, and Experiments that there have been real poſſeſſions of perſons by Devils, and obſeſſions and hauntings of houſes by evil ſpirits, and that it is not only to be imputed to phrenſy or natural madneſſe, which is done by ſome perſons, but to a perſonal real inhabitation or holding the bodies of men under his cuſtody by an unclean ſpirit, from whence they are termed demoniakes, the queſtion is what adjuration, or exorciſm may be now uſed to diſpoſſes them? It is agreed upon, 1. That it is utterly unlawful either by ſacred words or prayers, or by any other way to adjure, conjure, or call up the Devils or unclean ſpirits to conſult with them about the finding out any thing loſt, or to know from them any thing for our direction or ſatisfaction in any matter, though in ſuch a matter as they may be thought to know, or to obtain help of them for cure of perſons or cattel or any other benefit. For this were a token of Friend-ſhip with them, of dependence on them, and ſervice of them, contrary to that Law of irreconcilable enmity God puts between Chriſt, Man-kind, eſpecially the Children of God and the old Serpent, *Gen.* 3. 15. ſo as that *no communion* is allowed *between Chriſt and Belial*, 2 *Cor.* 6. 14, 15. and therefore God declares his abhorrency of all practiſes of Witches, Conjurers, Charmers, VVizzards, Necromancers, or any that have familiar ſpirits, but counts them an abomination, and did caſt out the *Canaanites* for this cauſe, *Deut.* 18. 10, 11, 12. for *Manaſſehs ſin in obſerving times, uſing Inchantments and dealing with familiar Spirits*, among other ſins God puniſhed *Manaſſeh*, and the Jews very terribly, 2 *Kings* 21. 6. 11, 12, 13, *&c.* and *Saul* died by the hands of the *Philiſtines, becauſe of his asking counſel of one that had a familiar ſpirit to enquire of it*, 1 *Chron.* 10. 13.

2. It is agreed that it is lawful to call upon God for aid againſt Satans temptations and workings. Among the parts of armour, whereby a Chriſtian is to oppoſe Satan, Faith and the Sword of the ſpirit are reckoned, and to be managed with prayer, *Epheſ.* 6. 18. and *Prayer and faſting* are reckoned as neceſſary means *for caſting out of ſome kind of Devils*, *Mat.* 17. 21. whoever uſed thoſe words, *the Lord Rebuke thee Satan*, *Zech.* 3. 2. *Jude* 9. it may be thence gathered, that it muſt be the Lord, who muſt withſtand Satan and therefore his help muſt be

be ſought for the ejecting, and ſuppreſſing of the Devil. VVhich being premiſed, I ſay 1. that it is unlawful by way of intreaty, beſeeching, obteſtation or obſecration to adjure or exorciſe the unclean ſpirits; for this were to acknowledge ſome ſubmiſſion to them, compliance with them, obligation or being beholden to them and dependence on them. *Lect.* 16.

2. That it is utterly unlawful as being horrible impiety to invocate Heathen Gods who were the Devils themſelves, 1. *Cor.* 10. 20. to pray to *Hecate*, *Proſerpina*, and the like Idols, which the infidel Gentiles adored, for expulſion of the Devils.

3. All Inchantments, uſe of Herbs, making Circles, uſing forms of prayer, with what other devices belonging to the Art of Witch-craft are practiſed by Magicians, Conjurers, Witches, Charmers, Wizzards, and ſuch as go under the Name of Cunning men, and women by compact explicit or implicit with Satan, are abominable. Yet this is not to be ſo underſtood, that, becauſe they make circles, we may not in Geometrical demonſtrations make ſuch, or becauſe they uſe ſome herbs, therfore we may not in Medicines, or becauſe they uſe the Lords Prayer in their Witch-craft we may not uſe it in Prayer to God: But that we may not uſe theſe or any other though good things or words in themſelves according to the Rules of their Art or with ſuch intentions, as they have, to hold communication or correſpondency or intelligence with Satan, which is in its nature defection and revolt from the Living God. Nor do I think that which *Joſephus* Relates in his *8th. Book of Jewiſh Antiquities*, ch. 2. of *Solomons teaching certain Inchantments, & manners of conjuring; and leaving them written, to which Devils giving place are ſo driven away as not to return any more* true. And for the practiſe *of one Eleazar before Veſpaſian, his Sons and Souldiers curing many Demoniakes by putting a Ring under the Seal of which was included a ſort of Root ſhewed by Solomon, to the noſe of the poſſeſſed, by the ſmell of which the Devil was drawn out*, which *Joſephus* ſaith *he ſaw*, I take it to have been a juggling trick, notwithſtanding the overthrow of the cup he mentions. The like is to be conceived of that which we find in *Tobit.* 8. 2. of driving away the Devil *by a ſmell of a perfume made of the heart and liver of a fiſh.* Theſe Deviſes were never by *Solomons* or Angels direction, but from the Gentiles. The Jews who did exorciſe and

Lect. 16.

tions of the Evangelists, ancient relations of the Fathers, and our modern Histories, and Experiments that there have been real possessions of persons by Devils, and obsessions and hauntings of houses by evil spirits, and that it is not only to be imputed to phrensy or natural madnesse, which is done by some persons, but to a personal real inhabitation or holding the bodies of men under his custody by an unclean spirit, from whence they are termed demoniakes, the question is what adjuration, or exorcism may be now used to dispossess them? It is agreed upon, 1. That it is utterly unlawful either by sacred words or prayers, or by any other way to adjure, conjure, or call up the Devils or unclean spirits to consult with them about the finding out any thing lost, or to know from them any thing for our direction or satisfaction in any matter, though in such a matter as they may be thought to know, or to obtain help of them for cure of persons or cattel or any other benefit. For this were a token of Friend-ship with them, of dependence on them, and service of them, contrary to that Law of irreconcilable enmity God puts between Christ, Man-kind, especially the Children of God and the old *Serpent*, *Gen.* 3. 15. so as that *no communion* is allowed *between Christ and Belial*, 2 *Cor.* 6. 14, 15. and therefore God declares his abhorrency of all practises of Witches, Conjurers, Charmers, VVizzards, Necromancers, or any that have familiar spirits, but counts them an abomination, and did cast out the *Canaanites* for this cause, *Deut.* 18. 10, 11, 12. for *Manasses his sin in observing times, using Inchantments and dealing with familiar Spirits*, among other sins God punished *Manasseh*, and the Jews very terribly, 2 *Kings* 21. 6. 11, 12, 13, *&c.* and *Saul* died by the hands of the *Philistines, because of his asking counsel of one that had a familiar spirit to enquire of it*, 1 *Chron.* 10. 13.

2. It is agreed that it is lawful to call upon God for aid against *Satans* temptations and workings. *Among* the parts of armour, whereby a Christian is to oppose *Satan*, Faith and the *Sword* of the spirit are reckoned, and to be managed with prayer, *Ephes.* 6. 18. and *Prayer and fasting* are reckoned as necessary means *for casting out of some kind of Devils*, *Mat.* 17. 21. whoever used those words, *the Lord Rebuke thee Satan*, *Zech.* 3. 2. *Jude* 9. it may be thence gathered, that it must be the Lord, who must withstand *Satan* and therefore his help must be

be ſought for the ejecting, and ſuppreſſing of the Devil. VVhich being premiſed, I ſay 1. that it is unlawful by way of intreaty, beſeeching, obteſtation or obſecration to adjure or exorciſe the unclean ſpirits; for this were to acknowledge ſome ſubmiſſion to them, compliance with them, obligation or being beholden to them and dependence on them. Lect. 16.

2. That it is utterly unlawful as being horrible impiety to invocate Heathen Gods who were the Devils themſelves, 1. *Cor.* 10. 20. to pray to *Hecate*, *Proſerpina*, and the like Idols, which the infidel Gentiles adored, for expulſion of the Devils.

3. All Inchantments, uſe of Herbs, making Circles, uſing forms of prayer, with what other devices belonging to the Art of Witch-craft are practiſed by Magicians, Conjurers, Witches, Charmers, Wizzards, and ſuch as go under the Name of Cunning men, and women by compact explicit or implicit with Satan, are abominable. Yet this is not to be ſo underſtood, that, becauſe they make circles, we may not in Geometrical demonſtrations make ſuch, or becauſe they uſe ſome herbs, therfore we may not in Medicines, or becauſe they uſe the Lords Prayer in their Witch-craft we may not uſe it in Prayer to God: But that we may not uſe theſe or any other though good things or words in themſelves according to the Rules of their Art or with ſuch intentions, as they have, to hold communication or correſpondency or intelligence with Satan, which is in its nature defection and revolt from the Living God. Nor do I think that which *Joſephus* Relates in his 8*th. Book of Jewiſh Antiquities*, ch. 2. of *Solomons teaching certain Inchantments, & manners of conjuring; and leaving them written, to which Devils giving place are ſo driven away as not to return any more* true. And for the practiſe *of one Eleazar before Veſpaſian, his Sons and Souldiers curing many Demoniakes by putting a Ring under the Seal of which was included a ſort of Root ſhewed by Solomon, to the noſe of the poſſeſſed, by the ſmell of which the Devil was drawn out*, which *Joſephus* ſaith *he ſaw*, I take it to have been a juggling trick, notwithſtanding the overthrow of the cup he mentions. The like is to be conceived of that which we find in *Tobit.* 8. 2. of driving away the Devil *by a ſmell of a perfume made of the heart and liver of a fiſh.* Theſe Deviſes were never by *Solomons* or Angels direction, but from the Gentiles. The Jews who did exorciſe and

Lect. 16. expell Devils were wont to do it by adjuring them by the God of *Abraham, Isaac and Jacob*, as *Grotius* proves out of many Authors, *Annot.* ad *Mat.* 12. 27. But sure *Grotius* is mistaken in saying, *that the Children of the Pharisees did not cast out Devils then in the Name of Jesus, but onely those who followed Jesus*, sith *Mark* 9. 38. *Luke* 9. 49. it is said, *that John did tell Christ, they saw one casting out Devils in the Name of Jesus, who did not follow* Christ *with them*, and though he saith, *they did forbid him*, yet Christ *would not have them forbid him, because he that did a Miracle in his Nam, could not speak evil of him presently or lightly*; which supposeth, that such did Miracles, even that of casting out Devils in his Name, and that they were for him, though they did not follow with them. And *Matth.* 7. 22. Christ saith, *Many will say to him in the day of entering into the Kingdom of Heaven, Lord, Lord, have we not in thy Name cast out Devils? to whom he will professe I never knew you.* And therefore I doubt not but Christs Argument goes thus, *Mat.* 12. 27. By the same power I cast out Devils by which your Children eject them, who cast them out adjuring them in my Name. But your Children who cast out Devils by my Name, you acknowledge not to do it by *Beelzebub*, but by the Spirit, Power, or Finger of God, therefore I do so also, and ye do most blasphemously with a high hand against the light, by which your Consciences are convinced, impute my Miraculous Power in casting out Devils, not to Divine power, but to deceitful colluſion with Satan.

4. Exorcising, or Adjuring Devils by Christs Name for gain or vain glory by any, who have not power over unclean Spirits, is unlawful. This was the sin of those *vagabond Jews Exorcists, who took upon them at* Ephesus *to call over those, who had evil spirits, the Name of the Lord Jesus*, saying, *We Adjure you by Jesus whom* Paul *Preacheth*, Acts 19. 13. Which they did for Gain, as *Simon* did seek the power of giving the Holy Ghost *Acts* 8. 18, 19. without any desire of honouring Christ, or promoting his Kingdom, and therefore *the evil spirit leapt on them, and overcame them and prevailed against them, so that they fled out of that house naked and wounded*, Acts 19. 16. which caused *fear and magnifying the Name of the Lord Jesus* v. 17. Such practises are but abuses of Christs Name, though attempted in imitation of the Holy Apostles, and other Saints.

5. Hence

5. Hence it follows, that the ordaining of ſome, whom they call Exorciſts among the Papiſts, and make one of the ſeven orders of the Church, who are to expel Devils by laying hands on the poſſeſſed, and are ordained by giving them a book of Exorciſms, is vain, if not prophane or worſe, they having no power to expel Devils, nor any Example or Inſtitution in Scripture of ſuch an Office or Eccleſiaſtical Order. That which *Lumbard l.* 4. *Sent. diſt.* 24. E ſaith, *that this ſeems to have come from Solomon*, is a dotage, out of *Jeſephus*, as hath been ſaid. To which I add, as it hath been diſcovered in the Popiſh practice of their Exorciſms, there hath been much fraud, ſo it is conceived, that the uſe of the bare Name of *Jeſus*, Reliques of Saints, hallowed things, as Holy Water, grains bleſſed, and other things conſecrated by the Pope, or a Biſhop, the making of Croſſes, uſing of Exorciſms, as they do at Conſecration of Churches, and other the like uſages among the Papiſts are ſuperſtitious, an abuſe of adjuration, a profaning of Gods Name, a meer preſumption, if they be not, as Mr. *Perkins* conceives *diſcourſe of witchcraft*, ch. 7. *ſect.* 3. *Sorcery.* *Lect.* 16.

6. The Exorciſms, which were uſed by the Ancients on perſons to be baptized, whereby they adjured the Devils to go out of the perſon to be baptized, and took on them to blow out the evil ſpirit, that the Holy Spirit might be admitted (which *Nazianzen* in his fourth *Oration of Baptiſm*, Cyril *in the Preface to his Catechizings*, *Auguſtin* very often in his Diſputes againſt the *Pelagians*, and others mention as practiſed among Chriſtians) however excuſed by *Zanchius* in his *Expoſition on the third Precept. tom.* 4. *Titulo de adjuratione*, as *not ſuperſtitiouſly uſed by the Ancients*, yet indeed have no warrant by precept or example in Scripture, though uſed as if requiſite to Baptiſm, and effectual without any miraculous vertue to diſpoſſeſſe Satan, whom they erroneouſly conceived to be in every perſon afore Baptiſm. As for the Popiſh uſe, it is made more intolerable by reaſon of many ſuperſtitions more joyned with it without that Catechizing, which the Ancients uſed afore Exorciſms, Exufflations, and Baptiſm.

7. They who had power given them over unclean Spirits did, and might adjure by God, and the Name of Jeſus unclean Spirits to come out of perſons poſſeſſed, and did caſt them out as enemies with Authority and Power. So our Lord Chriſt

Lect. 16. Christ did *with Authority command the unclean Spirits, and they obeyed him, Mark* 1. 27. *The seventy Disciples* tell Christ *rejoycing*, Luke 10. 17. *that even the Devils were made subject to them by his Name.* And though we read of one *Demoniak*, whom the Apostles could not cure, *Mat.* 17. 16. 19. Yet then they did cast out Devils, *Mat.* 10. 1. *Luke* 9. 1. And thus did *Paul* by his Apostolical Spirit and Power, command the Spirit to come out of the *Pythoness*, *Acts* 16. 18. and expelled evil Spirits out of others, *Acts* 19. 12. By the same *Spirit and Power of our Lord he delivered others to Satan*, 1 *Cor.* 5. 45. 1 *Tim.* 1. 20. Nor was this power given onely to them, but as Christ promised, *Mark* 16. 17. *These signs shall follow them that believe, in my Name they shall cast out Devils*, so this power continued in some Ages in the Christian Churches, *if Justin Martyr Apolog.* 1. *Tertullian Apologet.* *Augustin de vita beata* and others write true, though superstition increasing, and the Doctrine of Christianity being after changed, the Devils domineered much notwithstanding the fabulous reports of the Monks and Friers in the Greek and Latine Churches, especially in their Legends.

8. Though there may be deceit used in attempting dispossessions of Devils, miraculous power being arrogated falsely, and for beguiling the simple, and confirming of errours oftimes reports raised of their ejection, and therefore in the 72. *Canon Ecclesiastical*, the attempt of it is not permitted promiscuously, yet sith Christ saith, *Mat.* 17. 21. *By prayer and fasting the Devil is cast out*, and there is reason to believe relations of dispossessing sundry thereby, those whom God hath endued with faith for that work, are to do it seeking God by Prayer and Fasting in the Name of Christ to that end, and giving him the whole Glory, if it succeed, without any finitter respects to men.

§. 6 Heathenish & Popish adjuration of irrational creatures i. Sorcery.

There is also a practise of Exorcising Inanimate and Irrational Creatures, as to Poyson, and Serpents, that they hurt not. Concerning which *Aqu.* 2a 2æ *q.* 90. *art.* 3. confesseth, *that if the adjuration were directed to an irrational creature in respect of it self it were vain, and the taking of Gods Name in vain, sith they understand not:* Yet with that Faith Christ mentions, *Mat.* 17. 20. When he saith, *If ye have faith as a grain of Mustard-seed, ye shall say unto this Mountain, Remove hence to yonder place, and it shall remove, for one having*

ving all Faith as to remove Mountains, 1 *Cor.* 13. 2. It were not vain to ſpeak to inanimate things with ſuch a Spirit with which Chriſt did ſpeak, when he ſaid, *Mat.* 21. 19. or *John* 11. 43. *Lazarus come forth.* And foraſmuch as Chriſt hath promiſed to *them that believe, that they ſhall take up Serpents, and if they drink any deadly thing it ſhall not hurt them*, *Mark* 16. 16. They that had power might (as *Zanchius* grants) *Adjure the Devil uſing thoſe hurtful things, not to hurt them by them*, as was ſaid of diſpoſſeſſion. Likewiſe Chriſtians may by Prayer, though they have not that power, intreat God to rebuke Satan and to prevent the hurt of them. But it is utterly ſinful to inchant, and by ſpels and ſuch like means as the Infidels did, to apply themſelves to Satan or any Idol, for charming of Serpents and other venemous Beaſts, or to do (as *Camden* in his *Hiberniâ* relates out of *Giraldus*) as the Wild Iriſh, who *when firſt they ſee the Moon from the interlunium or the ſpace when neither old or new Moon is ſeen, commonly bow their knee, and recite the Lords* Prayer, *and at the end ſpeak to the Moon with a loud voice, leave us as healthy as thou haſt found us; or as when they take the Wolves for their God-fathers whom they call Chari Chriſt, praying for them, and wiſhing well to them, and ſo fear not to be hurt by them*, nor as the Papiſts, who uſe to conſecrate many things, as Holy Water, Grains, Candles, Images of the Holy Lamb, to Baptize Bells, with other the like practiſes to drive away Devils, which they call Exorciſm or Adjuration. This practiſe of thinking without any promiſe of God or Miraculous power to work ſupernatural effects is vain, Superſtitious, and when it is uſed to get money or eſteem (as for the moſt part it is) profane and ſordid. But to pray to God to bleſſe his Creatures to our uſe, to avert from us the harm that may come to us by them is pious, agreeable to that of the Apoſtle, 1 *Tim.* 4. 45. *Every Creature of God is good, and nothing to be refuſed, if it be received with thanksgiving. For it is Sanctified by the Word of God and Prayer.* *Lect.* 16.

From whence we may learn. 1. how to uſe this ſort of Adjuration lawfully, that we do not give advantage to Satan by our Arrogant Hypocritical Preſumption of our power to weaken the credit of thoſe great works, which God hath done in former or latter times in caſting out Devils, nor on the other ſide out of diffidence of the power of Chriſt enfeeble

our

Lect. 15. our ſelves, and hinder the doing of ſuch works, as whereby the Name of Chriſt may be magnified.

2. To avoid all Superſtitious and unlawful Adjurations, eſpecially Charming by Spels, and ſaying of Prayers for Cattel by old ignorant people, which are reliques of Heatheniſm, and no better then Witchcraft. And for Popiſh practiſes, let the words of King *James* in his *premonition to all Chriſtian Monarchs*, p. 86. be conſidered. *For their ſorcery, conſider of their* Agnus Dei *that will ſloken fire, of the hallowed ſhirts and divers ſorts of Reliques; and alſo of Prayers that will preſerve men from the violence of Shot, of Fire, of Sword, of Thunder and ſuch like dangers, and judge if this be not very like to Sorcery and Incantation of Charms.* And when *Bellarmin* alleadged, that *there was no ſorcery in them, becauſe there was invocation of the Name of God and Bleſſing of the Lambs of Wax* (which is the Plea of ignorant People, who think if good words good Prayers be uſed there can be no hurt) B. *Andrews* in *Anſwer to* Bellarmines *Apology*, ch. 12. replies thus p. 283. *Who would not laugh at it that* Bellarmin *denies thoſe hallowings to be Magical Inchantments, becauſe the Name of God is uſed in them? For, as he is a man of much reading, he could not but have read, that there are no bewitchings by Magicians, no wicked Facts without that name. When any Devil is to be raiſed, there muſt be written in a Circle the ſeven Names of God. In the Act it ſelf ſome Prieſt muſt be uſed, and a young Boy, and a companion (whom they call) who unleſſe he be uſed nothing is done. He might have read theſe things in his Malleus* (Malleficorum) *He might from the Acts of Courts, in which ſentences are paſſed upon Witches. All theſe things are known to the King, who hath himſelf by the power of God eſcaped ſafe from their Bewitchings and Conjurings. And that woman, who in that number was the principal Witch, when ſhe died repenting her eſpecially of her wickedneſſe, confeſſing that thing, that ſhe never went into the houſe to which ſhe intended miſchief, but that ſhe began her bewitching alwayes with theſe words* [*Let my God be in this Houſe*] *So far are they from abhorring from the Name of God. So that there may be in your waxen Lambs ſome ſorcery uſed, notwithſtanding the Name of God.* Wherefore all who mind the avoiding of the Artifices of Satan, whether in Heatheniſh or Popiſh Inchantments, ſhould avoid all ſuch kind of Adjurations, and abhor them notwithſtanding the uſe of Gods Name, or Good Prayers, even the Lords Prayer, which often hath been, and may be uſed for Witchcraft. *Peo-*

Promiſſory Oaths are to be kept.

Exod. 20. 7. *Deut.* 5. 11.

Thou ſhalt not take the Name of the Lord thy God in vain, for the Lord will not hold him guiltleſs that taketh his Name in vain.

Lect. 17. *Of keeping Promiſſory Oaths.*

§. 1. God requires the keeping of promiſſory Oaths.

HAving conſidered the taking, and urging of Oaths, I ſhall next conſider the keeping of Oaths, which onely belongs to Promiſſory Oaths. For as *Aqu. 2a 2æ q. 89. art. 7.* Obſerves the Truth of a Promiſſory Oath is not onely in the intention of the perſon ſwearing, but alſo in performing the thing ſworn, herein the Obligation of a Promiſſory Oath being different from the Obligation of an Aſſertory Oath. For the obligation of an aſſertory Oath falls on the act of the ſwearer, if he ſpeak truth according to his mind he hath diſcharged his obligation: But the obligation of a promiſſory Oath lies alſo on the thing ſworn, ſo that the Swearer is not diſcharged without performing the thing he hath aſſured by Oath ſhall be. Therefore he is forſworn if he do not according to what he hath promiſed. This is the Doctrine of the Holy Scripture, *Num.* 30. 2. This Law is ſet down, *If a man vow a vow unto the Lord, or ſwear an Oath to bind his ſoul with a Bond, he ſhall not break or profane his Word, he ſhall do according to all that proceedeth out of his Mouth.* From whence that ſaying is conceived to be taken, which is thus receited by our Saviour, *Mat.* 5. 33. *Again ye have heard that it hath been ſaid by them of old time, thou ſhalt not forſwear thy ſelf, but ſhalt perform thine Oaths unto the Lord.* And that men might not conceive themſelves freed from performing what they ſwear, becauſe of dammage which happens to them, the Pſalmiſt makes this a condition of him that is to inhabit Gods Holy Hill, that *though he ſwear to his own hurt, yet he change not, Pſ.* 15. 4. that is do not alter his intentions, nor recede from what he hath bound himſelf to till he do accompliſh it. To the ſame pur-

Lect. 17. poſe is that, *Pſalm* 24. 4. Where this is made a property of him that *ſhall ſtand in Gods Holy Place, that he hath not lift up his Soul to vanity, nor ſworn deceitfully.* That is, that he ſhall not by ſwearing without performing what he hath ſworn, deceive thoſe who rely upon him. And indeed God hath ſhewed himſelf ſo much to hate the infringing of ſuch Oaths, that he ſent a Famine three years together on the Land of *Iſrael* even in *David's* time for the ſin of *Saul* his Predeceſſor, in ſlaying the *Gibeonites out of his zeal to the Children of* Iſrael *and* Judah, contrary to the Oath made to their Anceſtors many hundred years before to ſave them alive by the Princes of *Iſrael*, *Joſh.* 9. 18. nor was plenty reſtored till ſeven of *Sauls* Sons were hanged, 2 *Sam.* 21. 6. &c. Likewiſe when *Zedekiah* King of *Judah* had ſworn to be ſubject to *Nebuchadnezzar* King of *Babylon*, and afterwards *rebelled againſt him in ſending Embaſſadors into* Egypt, *that they might give him Horſes and much people*, God threatens thus, *ſhall he proſper? ſhall he eſcape that doth ſuch things? or ſhall he break the Covenant and be delivered? ſeeing he deſpiſed the Oath, by breaking the Covenant (when lo he hath given his hand) and hath done all theſe things he ſhal not eſcape*, Ezek. 17. 15, 16, 17, 18. The Reaſons, why God doth thus ſeverely deal with him, who doth not keep his Oath are. 1. Becauſe the Oath which is deſpiſed is Gods Oath, *v.* 19. It is taken in Gods Name, and the ſwearer enters into Bond to him, and therefore he will require the debt, and accounts the non-payment of it a defrauding of him And this is true not onely of all Promiſſory Oaths to God onely, which are commonly termed vows, but alſo of Promiſſory Oaths to men. Even *Zedekiahs* Covenant and Oath to *Nebuchadnezzar* is termed *Gods Covenant* and *his Oath*, and the not keeping it accounted *deſpiſing of Gods Oath*, and *breaking his Covenant*, *Ezek.* 17. 19. 2. Every Promiſſory Oath, which ſhould be performed and is not, is a falſe Oath, and the Swearer perjured, contrary to that which is required, *Jerem.* c. 2. That every Oath be *in Truth*, and that *he that ſweareth ſhould ſwear by the God of Truth*, *Iſa.* 65. 16. 3. By each Promiſſory Oath the Swearer gives him to whom and for whom he ſwears a right to his own act, and that even by the Law of Nature. For a man being Lord of his own act as of his goods may transfer a right to another of doing or not doing ſomething, which without his promiſe he could

could not claim, but being once promised he is bound, and cannot without injury alter it. So a man may hire his Service, and bind himself to be a Servant, and a woman may put over by Marriage Covenant the right to her body, and in not performing such promises, there is injustice done, in that the person to or for whom the Promissory Oath is made hath not his due, and so the swearing is not in Righteousnesse. 4. If Promissory Oaths be not kept ther's no assurance of Covenants and Contracts, theres no trusting to mens Faith, and then men must be in continual distrust and jealousie one of another, and so live as if there were no peace to be expected, but perpetual enmity and hostility, which is destructive to humane society, without which mankind cannot subsist, and therefore breach of such Oaths is most pernitious and detestable. *Lect.* 17.

§. 2. An Oath by that which is not the true God binds.

Notwithstanding these things said in general, yet because diverse Oaths are made upon different causes, in different forms, and of different matters many questions arise concerning the obligation of them, whereof some of the most material, I shall endeavour to resolve as they have occured to me.

The first case I shall propound is, whether if a man swear by an Idol, false God or Creature, he be bound to keep it?

For Answer, the Pharisees it may seem by our Saviours Speeches, *Mat.* 5. 33, 34, 35, 36. *Mat.* 23. 16. 18. held that some oaths, as *by the Temple and Altar*, did not bind in respect of the form of swearing. And this speech I find in *Salvian*, l. 4. *de gubernatione Dei*, whether his Dogmatical resolution or otherwise. *Cum Deus non sit per quem juratur perjurium non est cum pejeratur. Sith it is not a God by whom he swears it is not perjury when he is forsworn.* And some of the ignorant people are of the same mind, who think, if they do not swear by God, or on the Book, their oaths are little to be minded or regarded. *Chrysostom* in his 44th. *Homily* on *Mat.* 23. *tom.* 2. mentions some *that conceived, that if they did swear by God, they did not bind themselves but a little, but if they did swear by the Evangels they were more bound*, which he there reprehends, and out of him *Lumbard* l. 3. *sentent. distinct.* 39. E because *the Holy Scriptures were made for God, not God for the Scriptures.* But our Saviour hath resolved, *Mat.* 5. 34, 35, 36. *Mat.* 23. 20, 21, 22. *That he that sweareth by the Altar sweareth by it, and by all things thereon, and who so shall swear by the*

Temple ſweareth by it and by him that dwelleth therein, And he
Lect. 17. *that ſhall ſwear by Heaven, ſweareth by the Throne of God, and by him that ſitteth thereon.* By which reſolution our Saviour determines that the oaths which men take naming ſome Creatures, whether Sacred or not, are reductively by God, and ſo bind the perſon that takes them. And a *Pagan*, that ſwears by his Idol, a *Mahometan by Mahomet*, a Papiſt, that ſwears by a Crucifix, or by the Hoſt, are bound to perform their oaths, becauſe the thing they ſwear by is as God to them. Simple promiſes without an oath ought to bind men, much more oaths of any ſort. Hereto agrees the reſolution of *Auguſtin Epiſt.* 154. and elſewhere *he ſins twice that ſweares by thoſe by whom he ought not, and hath done againſt his engaged Faith, which he ought not. He that ſwears by the ſtone, if he ſwear falſly is perjured; the ſtone doth not hear thee ſpeaking, but God doth puniſh thee deceiving.* Yet *Zanchius tom.* 4 in *præc.* 3*um. loc. de juram: theſi.* 6*a.* ſaith, *But that is true that Oaths made by God do more oblige, then thoſe which are by Creatures.* Which may be underſtood either ſimply, ſo as that a man may be eaſier looſed from the bond of an oath, becauſe it is by Creatures then if it were by God expreſſed, and in this ſenſe that Speech is not right. For every oath binds as an oath by whomſoever a perſon Swears, yea every oath even by Idols is reduced to God; As the *Athenians* Altar was dedicated *to the unknown God*, yet they did *Worſhip the True God ignorantly*, *Acts* 17. 23. So they that ſwear by any Idol, do it under the notion of an avenger of falſhood, and ſo Worſhip ignorantly the True God, who is that avenger, and they that Swear by the Creatures, when they wiſh their head to periſh (as they do who Swear by their Head) they appeal to God as the Avenger of falſhood upon their head. Or in ſome reſpects as the Opinion of men, or becauſe Perjury thereby is counted more hainous, and ſo oaths by God bind more.

A ſecond Caſe is concerning ſuch Oaths whereby a man is engaged to another to his great dammage, whether they do bind?

§. 3. A promiſſory Oath binds the ſwearer tho it be to his great dammage.

And the Anſwer is, That undoubtedly they do, *Pſal.* 15. 4. *He who ſhall dwell in Gods Holy Hill muſt not change though he ſwear to his own hurt.* So *Joſhuah* and the Princes of *Iſrael* kept their oath to the *Gibeonites to let them live*, notwithſtanding it was to their diſadvantage, *Joſh.* 9. 15, 19, 20. And when

Zede-

Zedekiah had once ſworn ſubjection to the King of *Babylon*, he was bound to keep his Oath though it tended to debaſe and enſlave him and his People. *Such* kind of Oaths do bind ſo far as that a particular dammage that conſiſts with a mans being ſhould not be a Reaſon of not keeping it: yet if it ſo fall out, that the obſervation of the oath be againſt the Law of nature to his immediate deſtruction I do not think it binds ſo far. As in caſe a man Swear to remain in ſuch a houſe a true priſoner, he is not bound to ſtay in it, if it be ready to fall down on his head, or be on fire: though he be bound to ſtay there if the room be ſmoky, and want accommodations for health or other comfort. Though the *Iſraelites* had ſworn to let the *Gibeonites* live, yet not as enemies, but as Friends or Servants. Upon ſuppoſition they had joyned with the other *Canaanites* againſt *Iſrael* there had been no perjury in deſtroying them. *Zedekiahs* Oath bound him not to conſpire againſt the King of *Babylon*, though he were oppreſſed by him, yet not to have neglected to ſave his life by flight into *Egypt*, if he had found *Nebuchadnezzar* intended to deſtroy it. Nor do *I* think that true which Mr. *Perkins*, ſaith in his 2*d*. *Book of Caſes of Conſcience* ch. 1. *Caſe* 2*d*. *And here a difference is to be made between a promiſſory Oath and a ſingle Promiſe. A ſingle promiſe may be reverſed by the will, and conſent of him, to whom it is made, but a promiſe made by an oath, is to be kept, though loſſes and hindrances enſue thereupon. For the reverence we bear to the Name of God uſed in the Oath, ought to be of greater force with us, then any private hindrance or inconvenience, which may befall us upon the performance of the ſame.* For if the Oath made in the Name of God be of ſomething promiſed to our own dammage onely for the benefit of another, he for whoſe benefit it is may, though not looſe the bond of the Oath, yet forgive his right, or accept ſomewhat in compenſation, and ſo releaſe the ſwearer from the neceſſity of doing that which was promiſed by an Oath, nor is there in this any difference between a promiſſory Oath and a ſingle promiſe. For as an Oath ought to be of greater force to us then any private hindrance, ſo ought alſo the precept of not lying or defrauding, nor can he for whoſe benefit we promiſe any more looſe the bond of our ſingle promiſe then of our promiſſory Oath: And therefore the ſame way whereby a ſingle promiſe may ceaſe to bind in this caſe a promiſſory Oath may ceaſe to bind. And this is

Lect. 17.

Dr.

Lect. 17.

Dr. *Ames* his reſolution in his 4*th Book of Conſcience*, ch. 22. Sect. 37. *When an Oath made reſpects only the obſervance or profit of the man to whom any thing is promiſed then the obligation ceaſeth by the remiſſion or conſent of that man to whom the promiſe was made. The reaſon is becauſe the foundation of ſuch a promiſe ceaſeth: and according to the nature of the thing, that condition is alwayes included in ſuch a promiſe, unleſſe the other pardon or remit it. This is the caſe of a creditor towards his debtor, and the like; but this cannot be extended to the contract of eſpouſals: becauſe there the profit of man is not onely regarded, but alſo the Inſtitution of God.*

§. 4. An Oath taken upon errour through fraud doth bind.

A third Caſe is, whether an Oath do bind which the ſwearer was induced to take out of errour in himſelf, through fraud and ſubilty of him or them, who were promoters of the Swearing? To which it is anſwered, that it doth bind notwithſtanding the errour, if the thing which is promiſed in the Oath be not unlawful. This is proved from the obligation of the Oath made by the Princes of *Iſrael* to the *Gibeonites*, who had deceived them by telling them they were ſtrangers dwelling afar off, which induced them to ſwear to ſave them alive, which *Joſhuah* and the Princes thought themſelves bound to keep, though they found them to be of the *Canaanites*, who were to be deſtroyed, *Joſh.* 9. 9. 15. 18. and that they did right in conceiving themſelves bound to keep the Oath made to them appears by Gods own Sentence againſt *Saul*, and his bloody houſe ſome hundreds of years after the Oath was made by *Joſhuah* and the Princes of *Iſrael* for the not keeping of it by *Saul*. 2 *Sam.* 21 18. Perhaps it will be objected, that it was unlawful for the *Iſraelites* to keep that Oath, ſith God had commanded them not to make Covenants with the *Canaanites*, but to deſtroy them, *Deut.* 7. 2. To which it is anſwered, it is true the Covenant and Oath made to the *Gibeonites* was unlawfully made, yet it was not unlawful to be kept, ſith the thing promiſed was onely to their own dammage, and was not ſinful of it ſelf, nor contrary to the precept of deſtroying the *Canaanites*. For though God commanded them not to ſpare of the Cities any, but to deſtroy them utterly which were of the *Canaanites*; yet that muſt be underſtood of them being enemies not confederates that ſubmitted themſelves to them to be tributary and Servants to them, and were willing to be circumciſed, and own the

the God of *Israel*. For thereby the danger, which God would have prevented by utter deſtruction of them, to wit, *The teaching the Iſraelites to do after all the abominations, which thoſe people did to their Gods, and ſo make them to ſin againſt the Lord their God*, Deut. 20. 17. might be prevented. And if this may not be gathered from *verſ* 10. yet it may from the ſpies ſwearing to ſave *Rahab* and her fathers houſe alive. *Joſh.* 2. 12. 14 notwithſtanding *Jericho* was a City accurſed: becauſe ſhe had received the ſpies, and ſent them away in ſafety and joyned her ſelf, and kindred to the People of God. In which caſes the Law is to be interpreted to allow them liberty to ſave the lives of thoſe people and to admit them into the number of Proſelytes. *Sect.* 17.

Nevertheles Dr. *Ames* in his *4th. Book of Conſcience, ch.* 27. *Sect.* 28. and Biſhop *Sanderſon de Juram. Prael.* 4. *Sect.* 15. think fit to anſwer thus by diſtinction. *Although an errour about the ſubſtance of the thing, which is looked on in the Oath, or about the proper cauſe may take away the Obligation of the promiſe, which is the caſe of him that contracts Matrimony with one particular perſon, whom he thinks to be another: yet an errour about ſome circumſtance, or cauſe extrinſecal and accidentary takes not away the Obligation: which was the caſe of the Iſraelites towards the Gibeonites*, Joſh. 9. *and is of him, who contracts Matrimony with a plebeian or poor perſon thinking her to be Noble or Rich. In the firſt errour there was no Teſtimony: but in the ſecond a lawful Teſtimony is given.* I confeſs ſuch a caſe as this may happen as it did to *Jacob* in the marriage of *Leah*, *Gen.* 29. 23. 25. whom although *Jacob* did not then reject, yet that he might have done, it is not to be denied, nor that in ſuch a deceit it may not be ſo done now. Yet becauſe perſons may too eaſily elude an Oath to the perdition of their Souls, it muſt be with much caution conſidered, when it is errour about the ſubſtance of the thing, which is looked on in the Oath, or about the proper cauſe, which being obſcure terms, and may be variouſly conceived and ſo occaſion perſons to bind themſelves ſtraiter then they need, or looſe the bond, more then they ought, therefore I rather think fit to ſay, the Oath was not made to the perſon ſuppoſed to be contracted, then to ſay it was made to her but diſſoluble by reaſon of the errour about the ſubſtance of the thing looked on in the Oath or the proper Cauſe. And this I ſhould chooſe to determin, if a queſti-

on

Lect. 17. on should be of the like case. However I judge the determination right in the later part of it, nor do I oppose it in the former, only think it liable to mistakes, and so needing more elucidation. And I think it necessary to add, that if by rashnes a man make an Oath so general, as that it comprehends that which he intended not to do, yet the words do include it by good consequence, as in the Case of *Jephthes* vow, *Judg.* 11. 30 31. he is bound to perform it, though it much damnify him, and he misslead himself, unles the thing be unlawful.

§. 5. Oaths extorted by great fear are to be kept.

A Fourth Case is concerning an Oath extorted by coaction or compulsion, and yelded to out of fear, the question is concerning such an Oath whether it bind the Swearer to keep it? To which I Answer, 1. that it is resolved. 1. that it is not agreeable to the Spirit of a godly man to yeld to Swear that which is inconvenient or insnaring to him upon a light fear of the unjust censure, derision, anger or displeasure of some potent person, because Christian fortitude should make such a person constant in his purposes, and not easily moved with fear, *Psal.* 112. 7. *A good man is not affraid of evil tidings, but his heart is fixed trusting in the Lord.* 2. If through weaknes or heedlesnes he do yeld to swear that which is inconvenient to him he is to keep it, as in the case of swearing upon errour and deceit.

2. A man may be urged to swear upon a great fear which may fall on a constant man, as the fear of Captivity, Imprisonment, losse of his Goods, Infamy, Torture, Death, and this may be done justly or unjustly, as when a man against his will is required to Swear obedience to his Prince, or Prisoners taken in just War not to take up Arms against that Prince any more. And of such Oaths as these it is not doubted but as they may lawfully be taken, so they ought faithfully to be kept, as *Zanchius* resolves, *Tom.* 2. in 3um. *Præcept. Loc de Juram Thes.* 6a. Unjustly a man may be compelled to swear by him that hath no just power over the person swearing, as when a man being taken by Robbers, or Pirats, to save his life or estate swears to pay so much money for his release, and to keep secret, the question is whether in this case a person is bound to pay the Money or to keep the thing secret and conceale the Robber according to the Oath he was drawn to by this great fear in the streight he was in?

Cicero,

Cicero, though in other things his moral resolutions were very excellent for an Infidel Gentile, yet he saith in the 3*d*. of *his Offices*, *That if thou do not pay to Robbers the price thou promisedst for thy life, it is no fraud, no not if thou do it not being sworn. For a Pirat is not of the number of Rebels a definite Enemy, but the common enemy of all men. With him there ought to be no Faith, nor Oath common.* *Becanus* the *Jesuite* in his *Manual of Controversies*, *lib.* 5. *c.* 15. saith thus, *If a Covenant be unjustly extorted by force or fear which befalls a constant man, then may it be broken at the pleasure of him, who unjustly hath suffered force or fear.* And cites some passages out of the Canon and Civil Law for his purpose, and gives this reason, *because he that unjustly affrighted or forced him did injury to the other, and therefore is bound to restore him to his former state, and he hath right to exact this Restitution.* But neither is the Resolution of *Cicero*, nor his reason good. For even a Pirate is a man, and is to be dealt with as a man, and even by the Law of Nations there is to be some society with him, as in case he leave any thing in our hands to be delivered to him again, it ought to be restored, and therefore a promise made to him ought to be kept. And much more when it is confirmed by an Oath. For however the person be unworthy, yet our Faith, whereby we bound our selves to God, ought to be kept. Nor is *Becanus* his resolution right. For however there may be help to a person from the Law, yet he may not at his pleasure make void an extorted promise: but is to perform it, and seek remedy from God or men afterwards, as Justice will permit. *Azorius* l. 1. *Instit. Moral.* c. 11. q. 11. resolves *that a simple promise made to a Robber is made void, because it is by humane Law made void in punishment of such a person extorting it wickedly against good manners: But God doth not extort the Oath made to him, nor receives it dishonestly, nor against good manners, and therefore the Oath hath force, because it is not made void by the Ecclesiastical Law.* But neither is this resolution, or reason right. For a promise is to be kept as well as an Oath, we are by Gods Law forbidden to lie as well as to swear falsely: and the same things onely can make void our promise, which can make void our Oath: though the Obligation of an Oath be stronger, yet the Obligation of a simple promise is so strong as to bind the person unles God loose him, who can dissolve oaths as well as bare promises. Nor can the reason be of any mo- Lect. 17.

Lect. 17.

ment, for it proceeds upon the falſe opinions that theſe exactors ſin ſhould make void the promiſers engagement, and ſuppoſeth that a man is not bound, when there is ſuch injury done to him as made him ſwear, and ſo the obligation ſhould be not from his own faith, but the others juſtice, which would make all faith doubtful, and almoſt all contracts void, whereof few are obtained without ſome diſhoneſty of them that obtain them to their advantage. And therefore neither this way nor that of *Tolet.* l. 4. *Inſtruct Sacerdot.* who *allows ſuch a one in taking the Oath to help himſelf by mental equivocation*, are to be received by Chriſtians, who deſire to keep faith and a good conſcience. Nor is the determination of Eccleſiaſtical perſons a ſufficient warrant to a Chriſtian without the word of God. *Aqu.* 2a. 2æ. *q.* 89. *Art.* 7. *ad* 3*um.* determins thus. *In the Oath that any one compelled takes theres a double obligation, one indeed by which he is obliged to the man to whom he promiſeth any thing: and ſuch obligation is taken away by the Coaction, becauſe he who forced deſerves this that promiſe ſhould not be kept to him*, Ames l. 4. *de conſcientia* c. 22. qu. 9 Sect 27. adds, *becauſe in injury no right is founded. But there is another Obligation*, ſaith Aquinas, and after him Zanchius, Ames, Rivet and others, *by which a perſon is bound to God, that he may fulfill what he hath promiſed by his Name. And ſuch Obligation is not taken away in the Court of Conſcience: becauſe he ought rather to ſuſtain temporal loſſe, then to violate an Oath. Yet he may demand in Judgement what he hath paid or declare it to a prelate notwithſtanding that he ſware the contrary, becauſe ſuch an Oath would ſway to a worſe end. For it would be againſt Publick Juſtice. But the Roman Popes* extrà de jureju. c. verum in ea quæſt. &c. *have abſolved men from ſuch Oaths, not as if they did decree ſuch Oaths not to be obligatory, but as releaſing theſe Obligations for a juſt cauſe.* Rivet adds that *before a man doth pay the money he may complain to a Judge, and if he free him the matter of the Oath ceaſeth, which by a Superiour is Lawfully kept back from the power of him that Swears.* Mr. Perkins in his 2d. Book of Caſes of Conſcience c. 13. Sect. 3. q. 3. Caſe 4th. ſaith, *That the moſt and beſt Divines hold, that the Oath to a Thief of paying money and keeping ſecrecy ſhould be kept, yet for his part he leaves it in ſuſpence, though it ſeems in likelihood that the party which ſwears ſilence, doth after a ſort maintain Theft: and communicate with the ſin of the Robber: and further gives occaſion, that others may fall into the like*

hazard.

hazard and jeopardy of their lives. But to Anſwer the Queſtion diſtinctly: in the caſe propounded there may be four doubts. *Lect.* 17.

1. Whether it be lawful to ſwear to pay money to ſave his life?

And the anſwer is, it is lawful if he have of his own to pay, or can procure it: otherwiſe it is Unlawful, if he be not able to pay it of his own, or to procure it: becauſe then in the act of *S*wearing there is deceit, and ſo falſe Swearing or mocking by an oath, promiſing that which he knows he can not, and therefore intends not to perform. But, if he can do it, he may promiſe it, ſith life and liberty are to be preferred before money as being of leſſe worth.

The 2*d.* doubt is whether he be bound to pay it? To which I anſwer, he is bound 1. Becauſe there is this obligation, which Gods word binds men with, that they perform their oaths & promiſes unles the thing promiſed be unlawful or impoſſible, neither of which is in this Caſe. 2. Becauſe the promiſe was made upon choice, and that prudently rather to looſe Goods then Life, now what is prudently choſen ought to be performed. 3. The promiſe is made for a conſiderable end, even for the ſafety of his Life, therefore ought to be kept by him when he hath obtained his end.

But againſt this it is objected, that the oath is not free, becauſe it is by coaction, which can make no obligation. To which it is anſwered, that the oath was a voluntary act, for the perſon choſe rather to Swear then to hazard his life. And therefore the ſwearing was not ſimply involuntary, but in ſome reſpect, ſo that it is to be termed a mixt Act involuntary in reſpect of the thing, but voluntary in reſpect of the end the good attainable by it, which ſort of actions *Ariſtotle* ſaith *Ethic. ad Nicom. lib.* 3. *c.* 1. *are not unwilling*, but as *Aqu.* 2*a.* 2*æ. q.* 6. *Art.* 6. and with him other Schoole-men, *to be accounted ſimply voluntary, tho in ſome reſpects involuntary*, as in the caſe of him that in a ſtorm caſts his goods into the *S*ea to ſave his life. An oath is not to be broken, becauſe it is involuntary in ſome reſpect, for then the *Iſraelites* deceived by falſe ſuggeſtions might have broken their oath to the *Gibeonites*, and *Zedekiah* his oath to *Nebuchadnezar*. If oaths taken involuntarily might be broken an oath would be

Lect. 17. a rope of ſand, ſcarce any man that takes an oath which brings detriment or reſtraint to him taking it with a full and free will; and therefore this objection is dangerous.

But it is further objected, that if he ſhould pay what he promiſed the Robber ſhould be furniſhed with mony to maintain him in his wickednes.

To which I anſwer, the giving of the money is no neceſſary, or cauſe of it ſelf of the continuance in his Robbery: poſſibly he may having now money leave it, and follow ſome honeſt imployment. But if he do continue in his ſin, yet it is accidental to the intention or action of the ſwearer that he is ſo evil; If the giving money be the occaſion or cauſe by accident, yet it is his own maliciouſnes, which is the proper cauſe of it ſelf, whence his ſin comes. The end of the ſwearer is only to ſave his life by ſwearing and his oath by paying, which are both right ends. As a man may give money to a corrupt Judge who is riotous and will miſſpend it on Luxury, to ſave his Eſtate, ſo may he give to a thief to ſave his Life. And indeed if this were a ſufficient reaſon not to pay money to a thief, becauſe he will be incouraged to ſin, neither ſhould men pay rents or debts to drunkards, malicious perſons becauſe they will thereby promote intemperance and oppreſſion.

But it is objected that there can be nothing due to a Robber who is a common Enemy, nor can any right be founded in injury: and therefore nothing ought to be paid to ſuch a perſon notwithſtanding the oath.

To this I anſwer, 1. That he who is an open Robber of any whom he meets with, is not therefore to be accounted as one that we are not to keep faith to, ſith he is a man and is to be dealt with according to the Laws of Nature and Nations, which require that contracts and engagements of man to man ſhould be performed. I confes that Civil Laws do not allow in any ſettled Common-Wealth Protection or Benefit of Laws ſo as to implead others in Courts of Juſtice or to have commerce or trading with the Subjects of ſuch a Common-Wealth, to Banditties, Pirates and ſuch Spoilers: but in caſe they be deſtroyed by any the Laws do not condemn the Man-ſlayer, becauſe they are counted as out-laws, and ſo no inquiſition is upon their death, yea ſometimes a reward is to the ſlayer, as to him that ſhall kill a beaſt of

prey;

prey; yet to them that are as our Robbers in High wayes in *England* there is by the Law of *England* a right as to Subjects, and for the other, whom Civil Laws do not protect, yet the Law of Nature and Nations provides ſo, as that they ſhould have Faith kept to them as men. Nor is their open Robbing ſufficient to make them uncapable of this benefit of the Law of Nature. For then faith might be denyed to *Nebuchadnezzar* by *Zedekiah*, ſith he was no better then a Robber as *Senacherib* was, *Iſai.* 10. 12, 13, 14. *Jerem.* 51. 20, 21. 34. and as *Alexander* the great was called *prædo totius orbis*, *the Robber of the whole World*. What difference is there between one that with a great Army invades other Nations, who invade not him, that he may Conquer and ſpoile them, and a Pirate or Banditti that lives by ſpoiling by himſelf or a ſmall number but this, the one is a greater, the other leſſer Robbers? and if faith is to be kept with the one, as it was to *Nebuchadnezzar*, it is to be kept to the other. *Lect.* 17

2. As for the other objection, that *no right can be founded in injury*, it requires further Conſideration, ſith in ſome ſenſe it may be true, in ſome falſe. It is true the perſon, who gets an intereſt by fraud, or force in another mans Eſtate injuriouſly having no other title thereto, but by ſuch an unjuſt practiſe, in the Court of Conſcience hath no right thereto, but he ought to renounce it, and if he hath gotten any thing into his hands this way to reſtore it. But, if it be underſtood thus, that becauſe of the injurious procuring the oath, therefore the ſwearer is no debtor, nor of right ought to pay, it is not true; for though there were nothing done by the Robber, which might be a valuable conſideration, why he ſhould be a debtor, yet the man, who is the owner and proprietary of his Eſtate, and is Lord of his own actions as being *ſui juris* that may diſpoſe of himſelf, and his eſtate, may by his promiſe make himſelf a debtor, and ſo be bound of right to pay what he promiſed: ſo that however the perſon enforcing deſerve not to have the promiſe kept to him, he is bound to keep it. As if a man by will convey his Eſtate to his Enemy or by deed of gift to him that hath deceived him, though there were no juſt cauſe inducing him on his part to whom he beſtows it, yet it is juſt, that he ſhould do according to what he hath ſaid, not barely for the reverence of Gods Name (for the obligation is alike, tho not ſo great,

in

Lect. 17.

in a bare promiſe without an oath, and an oath doth not bind as an oath, for then every oath ſhould bind) but becauſe the thing is not unlawful nor impoſſible, and he being Lord of his action and eſtate doth by promiſe transfer it, in which (as rightly *Grotius annot.* on *Mat.* 5. 37. obſerves) the obligation of promiſſory oaths is founded: and the command of God, *not to lie one to another*, Col. 3. 9.

§. 6. An Oath of ſilence to a robber is to be kept

The third doubt is, whether a man forced by a Robber may lawfully make a promiſe by Oath to keep it ſecret, and not diſcloſe the Thief?

And the Anſwer is, He may (unleſſe ſome other engagement make it unlawful) ſith the thing is not in it ſelf unlawful, and then it is neceſſary to ſave his life.

But the fourth and chief doubt in this Caſe is, whether he may lawfully keep the Oath, and not reveal the Robber. Sundry of the forementioned Divines either Anſwer not at all this doubt, or make their Anſwers ſo indiſtinct that they may ſeem to have conceived no more difficulty in this, then in the former doubts: Yet ſomething is couched in their Anſwers which tend to the holding of the Negative, that he is not to keep the Oath. *Aquinas* in the words before alleged, ſaith, *He may declare it to a Prelate, notwithſtanding he hath ſworn the contrary, becauſe otherwiſe it would tend to a worſe iſſue; for it would be againſt publique Juſtice.* But why he ſhould declare it to a Prelate rather then a Civil Magiſtrate, except he conceived he might looſe the Bond, I know not, nor what worſe iſſue it can tend to by concealing it, then that of breaking his Oath by diſcovery of it I underſtand not, nor do I perceive how it ſhould be againſt publique Juſtice to conceal it, except it inevitably bring ruine to the publique ſtate, or be certainly miſchievous to ſome perſons, which I think may be prevented ſome other way, then by ſuch a diſcloſing as ſhall infringe his Oath. Mr. *Perkins* in this part though he be doubtful, yet for the reaſons given before ſaith, *It ſeems in likelyhood that the party that ſwears ſilence doth after a ſort maintain Theft, and Communicate with the ſin of the Robber: And further giveth occaſion, that others may fall into the like hazard, and jeopardy of their lives.* But neither do theſe Reaſons ſatisfie, that an oath may be broken upon ſuch Allegations as theſe, the Theft being not maintained neceſſarily by the ſilence, nor any way actively promoted by it, and no neceſſity of endanger-

dangering others, and if they be, otherways may be taken to preſerve them without diſcloſing the Fact contrary to the oath. Nevertheleſſe *Sharpius* in his *Curſus Theol. tom.* 1. *de lege Dei in* 3um. *præceptum* reſolves, *That if a man ſwear to a Thief he will pay a certain ſum of ſilver, he is bound to pay it, becauſe it is onely to his private damnage. But if he ſwear that he will not reveal it to the Judge he is not bound, becauſe this concerns the publique good.* The like is in *Tilenus Syntag. part.* 1. c. 42. *Sect.* 22. 23, &c. Dr. *Sanderſon prælect.* 4th. *de juramenti promiſſ. oblig. Sect.* 17. cites *Frederick Baldwin of Wittenberg* confeſſing, that *it is a hard thing to determine any thing in this kind*, yet adds, that *he thinks it ſafer to the perſon ſworn that he do not keep ſilence, but that he tell it to the Magiſtrate, though he have ſworn that he will not tell it.* But he is not ſatisfied with his Reaſons, nor am I, but agree with Dr. *John Downam* Treatiſe of *Oaths*, ch. 10. *ſect.* 10. *that the perſon ſworn to keep ſilence is not to reveal it voluntarily*, or of his own accord, unleſſe that he be urged or forced to it by the Magiſtrate coming to the knowledge of that Theft in particular ſome other way, and require him to teſtifie his knowledge by oath upon an Enditement preferred not by him, but ſome other of that or ſome other Fact: in which Caſe his private Oath muſt not be a Bar to obſtruct publique Juſtice, yet I think that even then he ſhould be cautelous both in appearing and anſwering, that it may appear, that he hath not willingly betrayed the perſon, nor broken his oath. *Lect.* 16.

The Reaſons of this Determination are 1. becauſe the thing it ſelf is not unlawful.

2. The oath is a Sacred and inviolable Bond.

3. The oath *Zedekiah* made to *Nebuchadnezzar*, though by force extorted, yet God required it, *Ezek.* 17. 19.

4. The Reaſon which acquits a perſon from keeping an oath to a Robber would alſo acquit a perſon from keeping an oath to an open enemy, to a Tyrant, to an Heretique, Infidel and others, whom men judge fit to be deſtroyed, and not to be ſpared whether rightly or not, and ſo a wide gap would be opened for perjuries, yea all aſſurance from mens promiſes or oaths would be abated at leaſt, which would be extreamly miſchievous.

The chief Objections againſt this Determination are, 1. That

Lect. 17. that the keeping of this oath of silence will be against publick Justice, because by the silence of this person the opportunity is lost of repressing such a wicked one?

Answer, The answering of this objection stands on the discussing this point, whether a man be bound for furthering of publique Justice to reveal all Crimes, or some sort of Crimes, at all or at some times? The discussing of which would occasion too large a digression from the point in hand, and it is hard to give a general resolution about this thing, by reason of the great variety of circumstances, which alter Cases, and consequently must alter determinations.

It is certain 1. that in some Crimes, especially such as tend to the inevitable immediate destruction of publique persons, as the King, General of an Army, or other person, whose welfare and safety preserves publique peace and Justice depends on, no oaths are to bind a person, but that he may and ought to disclose Treasons, and Traiterous Conspiracies, from whence the ruine of a Nation or publique calamity is like to follow.

2. In some Cases of private persons when their murder or some manifest wrong is certain, if a thing known by a person be not disclosed, I think he ought to disclose it, though by oath he should have promised secrecy, the oath not binding against charity and justice, nor in the first taking being intended to bind any otherwise then *rebus sic stantibus*, *things remaining as they were* at the taking of the oath, but not extended to things, which could not be foreseen, and if they had the oath would not have been taken, as was before determined, *Lect.* 8. *Sect.* 5.

3. In many Crimes especially those that are not of pernicious consequence, when the person is otherwise curable, and the mischief of the Crime may be prevented a man is not bound, being unsworn to reveal them, much lesse when he is bound by oath not to reveal. Mens infirmities and temptations are so many and great, that it is not possible by such proceedings to redresse them, yea such jars and enmities would follow on too frequent a denunciation of them to governors, as would make the remedy worse then the disease. There are evils attending the practises of informers and accusers, which make them to be odious, so that more hurt then good is done by them.

4. In

4. In this caſe of concealing, theſe circumſtances make it lawful. 1. If there be no certainty that the perſon will continue in the ſin. 2. If there be no certainty that miſchief will inevitably follow to the community or to a particular perſons deſtruction. 3. If there be probability of remedying theſe evils by ſome other means. 4 If the life of the ſwearer and the peace of his conſcience be thereby ſecured. *Lect.* 17.

2. It is objected that others are endangered by this ſilence.

To which I Anſwer, That is not certain, he may be converted, the Magiſtrate may otherwayes deprehend and apprehend the Robber, the miſchiefs may be prevented, the breaking of an oath, and the hazarding of an innocent perſons life are *deterior exitus a worſe iſſue* then perhaps the concealing of the Robber can be.

3. It is objected, that we are in ſome ſort guilty of the Theft, we maintain it, communicate in it, collude with the Thief by ſilence.

To which I Anſwer, the rule, *qui tacet conſentire videtur, he that holds his peace ſeems to conſent*, is not univerſally true. It is true chiefly in things propounded to be anſwered, and in ſuch things as wherein a man is willingly and out of affection or liking to the thing ſilent. Not when out of hope of amendment, to avoid a greater miſchief, as the loſſe of life is, much leſſe when by reaſon of an oath of Secrecy a perſon is ſilent, excepting as before in Caſes of Treaſon, Murther or the like, in which the obligation of the oath of ſilence ceaſeth, nor is there any colluſion, maintenance or communicating in theft, in which the perſon is not active but paſſive, not doing any thing to promote it, but ſuffering by reaſon of it.

Hence we are admoniſhed, 1. to remember what we promiſe by oath, that we perform it. Remember we that even an inforced oath is a Bond, whereby the Soul is bound to God who will require it, *Mat.* 5. 33.

2. It ſhews their ſin to be very great, that take Oaths voluntarily and keep them not. It is no ſmall ſin in thoſe that remember not to obſerve them, when they have made them with intention to perform them, it is worſe in thoſe, who upon ſlight pretences ſhift off the duty, it is much worſe in thoſe, that take them without intent of obſerving them,

Lect. 17. most damnable in those, who make Oaths but a Ceremony, a Jest, a Sport, as too many do, who take Oaths when they enter on Offices, Dignities, Possessions, Priviledges, to be a Form or Custom not to be laid to heart, but to be forgotten as soon as the solemnity is over. Doubtlesse God will not forget this sin so soon as thou doest, but though the Swearer take Gods Name in vain easily, God will vindicate his own Name severely.

Oaths are to be kept with Heretiques.

Exod. 20. 7. *Dent.* 5. 11.

Thou shalt not take the Name of the Lord thy God in vain, for the Lord will not hold him guiltless that taketh his Name in vain.

Lect. 18. *Of keeping Promissory Oaths to Heretiques, faithlesse persons, Successors.*

§. 1. Papists deny that Oaths to Hereticks are to be kept

A Fifth Case is concerning Oaths made to Heretiques, whether they are to be kept by those who term themselves Catholiques? This Question hath been raised by occasion of that most infamous determination of the Council of *Constance* in the 15th Century, who notwithstanding the Emperour *Sigismund* had granted his Letters of safe conduct to *John Hus* of *Bohemia* to come, and return safe from *Constance*, yet *Sess.* 19. that Council did thus resolve. *The present Holy Synod doth declare, that no prejudice to the Catholick Faith, or to Ecclesiastick Jurisdiction is generated, or impediment can be or ought to be made by any safe conduct granted by the Emperour, Kings and other Secular Princes to Hereticks or defamed of Heresie, thinking so to recall the same from their Errors, with whatsoever Bond they have bound themselves, but that the said safe conduct notwithstanding, it may be lawful for a competent Judge, and Ecclesiastick, to inquire of the errours of such persons, and otherwise duely to proceed against them, as much as Justice shall perswade, if they shall refuse stifly to revoke their errors, although trusting to their safe conduct they have come to the place of Judgement, who otherwise would not have come: nor doth he that so promiseth, when he hath done*

done what lies in him remain obliged by this in any thing. By which means the Emperour conceived, notwithſtanding his Faith given in his ſafe conduct, yet that he might, and accordingly did execute the ſentence of burning *John Hus*, pronounced againſt him as an Heretique. Which moſt wicked determination of a Council, approved by one of their Popes, hath given cauſe to charge this as their Tenent on Papiſts, that they hold that Faith is not to be kept with Proteſtants, whom they judge to be Heretiques. Which imputation is further faſtned on them by reaſon of the words of *Simanca* a Doctor of theirs, whoſe words are not expunged by their *Index expurgatorius*, nor prohibited, but are thus, *de Cathol. Inſtit.* c. 46. *num.* 52. *By no means is faith to be kept with Heretiques, tho confirmed by Oath.* For the further inforcing of this charge ſundry other things are objected out of the decree of the *Lateran Council* under *Innocent* the third, the Epiſtles of *Urban* the ſecond and *Gregory* the ninth, the Fact of *Sixtus* the fifth and of *Paul* the fifth in his two *Breves* to the Engliſh Catholiques forbidding them to take the oath of Allegiance to King *James* after the Gunpowder Treaſon. *Lect.* 18.

But *Becanus* the Jeſuite in his fifth book, *ch.* 15. of his *Manual of Controverſies* (after *Johannes Molanus* in his ſecond *Treatiſe of practical Theology*) reſolves, that *though Catholiques ſhould not eaſily enter into any Covenant with Heretiques, yet if they have made a League or Covenanted with them (if nothing elſe hinder but Hereſie) they ought to keep faith to them ſincerely and intirely as to other Catholiques.* In which reſolution he reſtraining the keeping Faith with Heretiques preciſely to the Caſe of Hereſie, leaves an evaſion, that if the Heretique be Excommunicate, or Subjects abſolved by the Pope from their Oath, they may be free from their oath notwithſtanding his reſolution. And further he excepts three Caſes in which Faith is not to be kept. 1. *If the promiſe be of any diſhoneſt or unlawful thing.* 2. *If the Covenant were extorted unjuſtly by force or fear, which may befall a conſtant man.* 3. *If he with whom thou Covenanteſt keep not Faith with thee.* Which though they ſeem to be fair in ſhew, yet conſidering how apt Papiſts are to take any advantage to deſtroy Proteſtants (as appears by late moſt horrid cruelties in *Ireland*, *Poland* and *Piedmont*) little ſecurity is in his Determination, but that when they have a will to execute their Maſſacres they will find a pretence to make the keeping

§. 2. *Becanus* the Jeſuite doth ſhuffle in this point.

Lect. 18. Faith with Proteſtants unlawful, or that their Covenant was forced, or that they have firſt broken Faith with the Church, or ſome other the like ſhift for the exempting themſelves from the obligation of their oath: of which I have written ſomething in my *Romaniſm diſcuſſed A. t. 7. Sect.* 10. Yea *Becanus* himſelf, when he is to anſwer to the objection concerning the Reſolution of *Gregory* the ninth to the Arch Biſhop of *Millain*, which was in theſe words [*Whoſoever they be that were held bound to them who manifeſtly have fallen into Hereſie by any Covenant fenced with whatſoever firmneſſe, let them know that they are looſed from the duty of fidelity and all obedience*] he defends it as lawful as a puniſhment *for that time*, which is a plain unſaying of what he had ſaid before. For if it be, as *Becanus* argues, *That the Law of Truth, Fidelity, and Juſtice is to be obſerved to Heretiques as to Catholiques, that it is contrary to Gods Law, to lie to them, to ſteal from them, to do them wrong, that theſe are to be done at no time*, then it was not lawful for *Gregory* the ninth to reſolve the ArchBiſhop of *Millain*, that then they might *be looſe from their Covenant to maniſeſt Heretiques*, for that is to make it lawful at ſometime, which is at no time, by his own words, lawful. This ſhews that the Jeſuite plaid faſt and looſe, and that we might apply that verſe to him, *Quo teneam vultus mutantem Protea nodo?* But the Jeſuite is put harder to it to defend the practiſes of *Urban* the ſecond forbidding the Souldiers of Earl *Hugh* ſworn to him, to ſerve him as long as he was excommunicated, which ſhews that he allows Subjects not to keep their Faith to a Prince excommunicated for an unjuſt war ſo declared by the Pope, and of *Sixtus* the fifth excummunicating *Heury* King of *Navarre*, and the Prince of *Conde* for Hereſie, and abſolving their Subjects from their Duty of Obedience and Fidelity; Which he doth not diſclaim, but ſhift off without anſwer: and thereby ſhews that though he dare not hold, faith is not to be kept with Heretiques preciſely becauſe of Hereſie, yet he denies not, that Faith is not to be kept with them if excommunicate by the Pope for Hereſie or an unjuſt war, which ſhews the Spirit of the Jeſuite to be deceitful, deſiring to diſguiſe that which he cannot openly defend, yet under another pretence, to wit, of excommunication (which he knows all Proteſtants are under) excuſing if not pleading for the Impious Doctrine of Popes and Po-

piſh

piſh Doctors, and the perfideous practiſe of Popiſh Subjects in not keeping faith with their Princes, but killing them and their Subjects. *Lect.* 18.

§. 3. The arguments of *Becanus* prove faith is to be kept with hereticks, and excommunicate perſons.

However the Arguments he uſeth to prove faith is to be kept with Heretiques as well as Catholiques, are concluſive for keeping faith with excommunicate perſons, and all men whatſoever. I will tranſlate ſome of his words. *The Reaſon*, ſaith he, *of a Covenant or mutual promiſe ariſeth from a threefold virtue, to wit of Truth, Fidelity and Juſtice. And indeed the virtue of Truth binds to this, that thou promiſe ſincerely, not fainedly, that is, that what thou promiſeſt by word, thou alſo with thy mind promiſe, leaſt thou be a liar. The virtue of fidelity binds to this, that indeed thou perform, what was promiſed, that thou be not perfidious. The virtue of Juſtice binds to this, that thou give to every man, with whom thou haſt covenanted, his right, what is owing to him by reaſon of the Covenant, or mutual promiſe, that thou be not unjuſt, or injurious. But theſe virtues equally bind thee, whether thou converſe with the Catholiques or the Heretiques. For it is no where lawful to lye, no where to be perfidious; no where to violate another mans right, or to do wrong. And verily, if you ſhould once grant, theſe things therefore lawfully to be done, becauſe thou lieſt to an Heretick, thou art perfidious to an Heretick, doeſt injury to an Heretick, why ſhouldeſt thou not conſequently grant, that it is lawful for thee to kill an Heretick, to take away his goods by theft, to proſecute him with hatred? all which things are abſurd, and repugnant to Gods Law.*

2. *The ſame is confirmed out of Scriptures in this manner: when believers Covenant with Gentiles and Idolaters, they ought to keep faith to them in things lawful and honeſt: therefore alſo when they Covenant with Heretiques. For theſe verily in this thing are not of worſe condition then they. The antecedent is proved by the example of* Joſhuah, *and the Princes of* Iſrael *keeping faith to the* Gibeonites, *ſparing their lives defending them in war, which was juſtified by the ſucceſſe, and by the Miracle of the Suns ſtanding ſtill,* Joſh. 9. 15. *and* 10. 13. *And the breach of that Covenant puniſhed by a Famine, and the death of ſome of* Sauls *Poſterity,* 2 Sam. 21. 1. &c. *And for* Zedekiah *his breaking his Oath to* Nebuchadnezzar *he and the Jews were moſt miſerably puniſhed,* 2 Chron. 36. *and* Jacob *accurſeth the perfidiouſneſſe of* Simeon *and* Levi *to the Sichemites,* Gen. 49. 5. *and* Ulla Iſlaus *King of* Poland, *and* Hungary *(when he had broken his faith with* Amurath *the great Turk,*

who

Lect. 18. *who preſſed in the battel Christ to avenge the perfidiouſneſſe of Chriſtians) loſt the battel preſently thereupon, and his own life, and his Army. Out of theſe things,* ſaith Becanus, *I conclude, if Faith is to be kept with Gentiles, Idolaters and Turks, then alſo by common right it is to be kept with Heretiques, yea with all men both good and bad, as well-believers as unbelievers, as to Friends ſo to Enemies; why? Becauſe to keep it we are bound by the virtue of truth, fidelity and juſtice. But this obligation is not taken away preciſely by this, that they, to whom we promiſe faith, are evil, Hereticks, Enemies. Yea Chriſt expreſly commands, that we ſhould even love our Enemies,* Matth. 5. 44. *Surely if charity bind us even in reſpect of Enemies, why not in like manner Truth, Faithfulneſſe and juſtice?* To which I think it neceſſary to add, that *if this obligation be not taken away preciſely by this, that they to whom we promiſe Faith, are evil, Heretiques, Enemies,* neither is the obligation taken away preciſely by this, that they to whom we promiſe faith are excommunicate by the Pope, or deprived of their dominion, or expoſed by his Bull to the butchery of Aſſaſſins, and conſequently the King of *Spain* keeps the Kingdom of *Navarre* unjuſtly from the King of *France*, unjuſtly were the Rebellions in *England* againſt Queen *Elizabeth*, moſt horrible were the butcheries of two Kings of *France*, and damnably wicked were the Practiſes of Pope *Paul* the 5*th*. and Cardinal *Bellarmine* in the Breves and Letter and writings, wherein they deterred the *Engliſh* Papiſts from aſſuring King *James* of their peaceable ſubjection in Civil things, notwithſtanding the Popes Sentence, by taking the Oath of Allegiance. Which inference may be confirmed from the common Doctrine of the Canoniſts, that excommunication doth not debar perſons from doing the duty to the excommunicate which is due by nature, or civil relations, as a Servant is to be faithfull to his Maſter, a child to his Father and a Wife to her Husband though excommunicate, it is their ordinary *diſtinction, hæc anathema quidem faciunt ne poſſit obeſſe utile, lex, humile, res ignorata, neceſſe.* A man is not blamed for converſing or doing offices of duty or fidelity to the excommunicate when Profit, Neceſſity, Ignorance, Subjection, or the Law require it. Faith is due to all men in that they are men, *Epheſ.* 4. 25. *Wherefore putting away lying ſpeak every man Truth with his Neighbour: for we are members one of another,* we are to *love our Neighbour as our ſelves,* and one part is *not to bear falſe witneſſe againſt*

gainſt him, and our Lord Chriſt, *Luke* 10. concludes every man we have to do with to be our Neighbour. Therefore even Infidels, as *Regulus*, *Pomponius*, (as *Cicero* relates *l.* 3. *Offic.*) with many others kept their faith with the worſt and moſt perfidious Enemies, it being a duty, which even the Law of Nature and Nations tie men to. And as for excommunication, it being but an Eccleſiaſtical cenſure, can deprive in right of no other then Eccleſiaſtical priviledges, and therefore by vertue of it to deprive men of their Crowns, Kingdomes, Lands, Goods, life is a moſt preſumptuous uſurpation, wherein *the man of ſin exalts himſelf above thoſe* the Scripture *calleth Gods*, and have their power from God, without dependence on Eccleſiaſtical Authority, to whom Eccleſiaſtical perſons, even the Pope himſelf ought to be ſubject according to Gods Law, *Rom.* 13. 1 *Though he were an Apoſtle, tho an Evangeliſt, tho a Prophet, tho any other whatſoever, for this ſubjection overthrows not godlineſſe, and he ſaid not ſimply,* πειθέσθω ὡς ἀναγκαζόμενος, *let him obey as one perſwaded, but let him be ſubject as one commanded*, ſaith *Chryſoſtome Homily* 23. on *Rom.* 13. 1. So that the Popes are ſo far from having power over Kings to diſpoſe of their Kingdomes, that by Gods Law they ſhould be under Emperours and Kings and the power of excommunication is ſo far from depriving Princes of their Dominion, that it hath not right to deprive of one penny of a mans ſubſtance, ſo far it is from depriving of life, that it hath not right to inflict one laſh with a rod on the perſon, ſo far it is from abſolving a ſubject from his oath of allegiance or obedience to his King, that of right it cannot hinder the meaneſt ſlave from fidelity or ſervice to his Maſter, tho but the meaneſt Artificer. But of this uſurpation of Popes ſo much hath been written by King *James*, Biſhop *Andrews* and others as hath demonſtrated the Papal Monarch, to be an Antichriſtian uſurpation, and their practiſe in oppreſſing Princes to be Tyrannical, that I need add no more in this.

Lect. 18.

§ 4. The excuſes *Becanus* makes for Popes and Papiſts acquit them not.

As for the excuſes that *Becanus* and others make for Popes, Popiſh Councils, and Doctors they are too narrow to cover ſo foul an ulcer. That which is ſaid for the Council of *Conſtance* acquits it not, for though, the ſafe conduct notwithſtanding, they might proceed to Eccleſiaſtical cenſure (which is all they had to do with) yet they might not puniſh with death, which was to be executed by the Emperour, but ſo

as

Lect. 18. as that the Emperour muſt break his faith given in his ſafe conduct to *John Hus*. Nor did the Emperour do what in him lay except he had reſcued *John Hus* out of the Biſhops hands, and returned him ſafe into *Bohemia*, and the decree being made to juſtifie the Emperours fact in yelding *John Hus* to be burnt cannot be interpreted otherwiſe then, that, faith how Solemnly ſoever expreſſed is not to be kept with an Heretick according to that decree. Nor is the Council of *Lateran* at all cleared by *Becanus*, ſith he confeſſeth, *That it Decreed if a Temporall Prince did not purge his Land of Heretiques he was to be excommunicated, and he not ſatisfying within a year it ſhould be ſignified to the Pope that he might from thenceforth denounce his Vaſſals to be abſolved from their fidelity.* The excuſes of *Urban* the 2d. and *Gregory* the 9th. appear to be inſufficient from that which hath been ſaid already. Yea *Alphonſus à Caſtrol. 2. de juſtit. hæretic. punitione, cap. 7.* allegeth thoſe words of *Gregory* the 9th to prove *a perſon not bound to reſtore a thing depoſited with him to an Heretick, nor a wife to yeld conjugal due to her husband, nor a Commander of a Fort to reſtore it to his Lord*, and the like is gathered by *Azorius l. 8. Inſtit Moral. c. 13.* from thoſe words of *Gregory*, which ſhews, that Papiſts do count that Canon a perpetual Law, and that it authorizeth them to break all promiſes to Heretiques. The words of *Simanca* are no way excuſed by *Becanus* in omitting them, and citing other words inſtead of them, which do not at all help him. For though he ſay, *that faith is to be kept with Heretiques except in that kind of things which the inſpired or natural Law forbids to perform*, with which *Becanus* cloſeth, yet ſith *Becanus c. 16.* and *Simanca* hold, that it is repugnant to Gods Law to permit Heretiques liberty of Religion, it is all one as if they had ſaid, if they do ſwear to give them liberty, yet they are to break it, which is all one as to ſay, faith is not to be kept with Hereticks. *Becanus* ſaith nothing in excuſe of *Sixtus* the 5th. nor of *Pius* the 5th. excommunicating Queen *Elizabeth* abſolving her Subjects from their Allegiance, and ſtirring them to Rebellion againſt her. That which he ſaith in excuſe of Pope *Paul* the 5th. *that his Breves were not that the Catholicks ſhould deny to King James obedience and fidelity in things Political, but that they might not againſt their Conſcience, and againſt the profeſſion of the Catholick faith conjoyn themſelves with Hereticks, and that they might not abjure the Power, jurisdiction and obedience of*

the

the Roman Church is not right. For the Oath of Allegiance, which the Popes Breves did forbid, did require onely obedience and fidelity to King *James* in things political, nor was any thing in it againſt the Catholick faith, nor for the Catholickes to conjoyn themſelves to Hereticks, nor to abjure the power, juriſdiction and obedience of the *Roman* Church, except this be a part of their faith and againſt the power of the *Roman* Church to deny the Popes power to depoſe Princes, abſolve their Subjects from their Allegiance, raiſe Arms againſt them, murther them, to foſter Conſpiracies againſt them, to licenſe men to uſe equivocations, mental evaſions and ſecret reſervations in ſwearing, to pardon or licenſe perjury, which are to be diſclaimed in that Oath, and ſhould be renounced by all that believe in Chriſt Jeſus, being ſuch as Heathen Infidels themſelves did count impious. *Lect.* 18.

§. 5. Oaths if reciprocal with mutual reſpect to faithleſſe men bind not.

To this caſe concerning Heretiques I ſhall add a fixth caſe, which is, ſuppoſing two perſons enter into Covenants on both ſides, and ſwear to them, and the one breaks the Covenants on his part, the queſtion is whether the other party be bound to keep the oath?

To which it is anſwered, Both Papiſts, as *Becanus Manual Contr. l.* 5. *c.* 15. and Proteſtants, as *Zanchius tom.* 4. in *3um. Præcept. Theſi.* 6*a. Rivet* on *Exod.* 20. *Præcept. 3um. de Juram. q.* 6. agree in this, that if a League or Covenant be made with Articles on both ſides, if the one break the Covenant the other is free from the Obligation of the Oath. Hereto is alleged that ſaying *Frangenti fidem fides frangatur eidem, to the ſame man that breaks his faith to him may faith be broken.* And *Becanus* cites this Rule of Law, *fruſtrà quis fidem poſtulat ſibi ſervari ab eo, cui fidem a ſe præſtitam ſervare recuſat. He doth in vain require faith to be kept to himſelf by him, to whom he refuſeth to keep the faith engaged by himſelf.*

The reaſon of this reſolution is, becauſe when the Covenants are mutual with mutual reſpect, ſo as that the ingagement of the one would not have been without the engagement of the other, and the performance of the Covenant on one ſide depends on the performance of the Covenants of the other, the Oath is to be interpreted as condicional. And if it were otherwiſe the entering into Covenant with ſome perfidious people would ſerve onely for a ſnare to ho-

neſt, and ſimple-hearted men. As in caſe a truce be taken
Lect. 18. in time of war, if one part break the conditions, and the other be bound not to fight, it would be all one, as if they had ſworn to deliver themſelves to be Butchered, which were contrary to the Law of Nature, which allows each man to defend himſelf againſt unjuſt violence of an open Enemy. *Zanchius* and *Rivet* after him confirm this further by the Apoſtles reſolution, 1 *Cor.* 7. 15. *If the unbelieving depart, let him depart. A Brother or Siſter is not in bondage in ſuch Caſes.* Which is thus Interpreted, in caſe the unbelieving Yoke-fellow will leave his Wife, the Believer, that is Husband or Wife, is not bound to go after him, nor is tied to account ſuch a wilful inexorable deſertor as a Husband or Wife, but may marry another as if the other were dead. I will not enter upon that difficult Caſe, which though it may be pertinent to our preſent Argument, yet belongs more properly to the caſes about Marriage knots, which have ſomething peculiar to them, and not common to other Covenants or Contracts. Onely this uſe may be made of this Reſolution of the Apoſtle, that whether the freedom extend to allow a liberty of Noncohabitation onely, or allow alſo a freedom of another Marriage (which may be doubted) it may be hence evinced, that in mutual Covenants in ſome Caſes at leaſt ſome promiſes may not be performed where one of the parties unjuſtly breaks his Faith. But *Rivet* well puts in this exception, *that this Rule holds where the Obligation is reciprocal, not if the Obligation be ſeparate without mutual reſpect and dependence of the one upon the other*, as ſaith he, *If a man deny me moneys I lent him, which he by Oath promiſed to pay me, I am not at liberty to deny him moneys I promiſed to pay him upon Oath.*

To which accords that which Dr. *Sanderſon præl.* 4. *Sect* 8. *de Juram. promiſ. oblig.* ſaith thus, *You will perhaps object thoſe common Sayings, to deceive the deceiver is not to be accounted fraud, and with a Cretian you may Cretize. To which may be added thoſe two things which are brought by* Grotius l. 2. de Jure belli ac pacis c. 13. n 15, 16. *The one a ſaying of* Brutus *out of* Appians 2*d. Book of the* Roman *Civil Wars with a Tyrant the* Romans *have no faith or religion of an Oath, and the other out of an old Tragedian thou haſt broken thy faith, ſaith that certain perſon, the other anſwers, which I neither have given nor do give to any faithles man.*

I Anſwer theſe things taken from the Common life (that is courſe of

of mens lives) *ſhew rather what the common ſort of men are wont to do, then what ought to be done,* Cicero l. 3. de Officiis Lect. 18. faith thus, *that ſaying, neither have I given, nor do I give faith to any faithleſſe man, was therefore rightly ſaid by the Poet, becauſe when* Atreus *was treated he was to ſerve or accommodate it to the perſon. But if they take this to them, that it is no faith which is given to a faithleſſe man, let them beware, that a lurking hole for perjury be not ſought for.* This is interpoſed by me. Dr. *Sanderſon* proceeds thus, *Or if thoſe Speeches are to be admitted for true, they are there only to be approved, where the Oath was under condition: either expreſſe, as if I ſay, I Swear I will give thee an hundred pounds, if thou wilt within a moneth redeeme my Land for me which is morgaged: or at leaſt wiſe ſecret, as when two men by mutual Oaths bind themſelves to perform mutual promiſes by mutual reſpect.* E. G. *If* Chremes *the Maſter ſwear to* Soſia *the Servant he will give him yearly ten Crowns,* Soſia *anſwerably ſwear to* Chremes, *that he would ſerve him eight years, whether of theſe firſt violates his promiſed faith frees the other forthwith from the Religion of his faith. But if two men mutually oblige themſelves by promiſes of a diverſe kind, or not at the ſame time, or without mutual reſpect, the faith violated by the one doth not free the other from his Obligation: but both is bound to keep what he hath ſworn although the other hath not done what belonged to his part.* Ex. Gr. *A King ſimply and without reſpect to the fidelity of his Subjects ſweares he will adminiſter his Raign juſtly and according to Laws. The Subjects another time ſimply and without reſpect to the office of the Prince ſwear that they will yeld to him due fidelity and obedience.* Both *are bound to do faithfully what belongs to their Office, although the one part fail of his duty: ſo that neither is the King looſe from his Oath, if the Subjects have not yelded due obedience, nor the Subjects from theirs, if the King divert from the path of Juſtice.* And there is great reaſon for this, becauſe upon ſuch a breach the Government muſt be diſſolved, and anarchy & confuſion be introduced, which produceth worſe effects then Tyranny for a time. Much more is it evil to hold that if a King break his oath to Chriſt the Subjects may to him, which King *James* in his anſwer to Cardinal *Perons* Oration *p.* 144. chargeth on him as agreeable to his ſuggeſtions in that Speech.

Unto theſe Reſolutions I think it fit to add, that if the Article broken be an Article not much material, and upon which the Covenant was not eſtabliſhed, but was either mat-

Sect. 18. ter of form, or of ſmall moment for the end of the Covenant, then it is utterly unequal and unjuſt to free the other party from his Obligation by Oath, eſpecially when the party not violating the oath is captious, taking any occaſion to break his word, and the other perſon deſirous to continue the Covenant with offer of compenſation for his failing. And more eſpecially if the not performing the Condition by the party not doing it, or doing contrary to his faith was by reaſon of hindrance by Divine providence, or by the injury of others on whoſe duty he relied, and not by his own willful neglect.

§ 6. A conditionall oath binds only when the condition is put

A Seventh Caſe is, ſuppoſe a man takes an oath to perform a thing upon condition, is he bound to keep it if the condition ceaſe?

Anſwer, Not by virtue of the Oath, becauſe *the Oath depends on the Condition*, as *Rivet* rightly in *3um. præc. de Juram. q. 6.* which is agreeable to a rule in Logick, *Condicionalis nihil ponit in eſſe niſi quando condicione poſita tranſit in abſolutam. A condicional propoſition puts nothing in being, but when the condition being put it becomes abſolute.* Thus a man that ſwears reſidence on a living is to be underſtood onely while he is incumbent, he that ſwears ſuite and ſervice to a Lord of a Mannour is to be underſtood while the one is Tenant, the other Land-Lord. For as *Ames* ſaith, *l. 4. de conſci. c. 22. Sect. 36. When the formal reaſon of the Oath is taken away the Oath ceaſeth by reaſon of the event.* For ſuch an Oath is virtually conditional, being made to him as Lord, and ſo no longer then he continues Lord. Yet if the Lord of the Mannour ſell his Mannour to another the Oath may bind him that Swears to do homage and ſervice to the Purchaſer, who ſucceeds in the Lordſhip. In like manner, if the matter of the Oath ceaſe the Oath ceaſeth to bind, as if a man Swear to appear at an Aſſizes, or to be preſent, if there be no Aſſizes kept he is not bound to appear or be preſent. Yet in theſe caſes the perſon that Swears muſt take heed that he do not *dolo malo, by an evil guile* hinder the putting the condition, that he may elude his Oath, nor be Author of the ceaſing of the matter, that he may be acquitted from his Oath, but onely take the benefit of his freedom, when it is by Divine Providence.

§. 7. An oath is only a perſonal bond ordinarily.

An eighth Caſe is concerning an Oath taken by a Predeceſſor as a parent, or owner of an eſtate, whether it bind the Child,

Child, or Succeſſour into the eſtate.

To which it is anſwered by Dr. *Ames* l. 4. *de conſcientia* c. 22. §. 32. Dr. *Sanderſon prælect.* 4a. *de Juram. promiſ. oblig. ſect.* 9. *that it binds not ſub ratione juramenti under the conſideration of an Oath, unleſſe the ſucceſſour do alſo by his own Oath alſo perſonably bind himſelf.* The reaſon is given by Dr. *Sanderſon, becauſe an Oath is a Spiritual bond, and only introduceth a Spiritual Obligation in the inward Court of the Conſcience, and not a Temporal or Civil Obligation in the outward Court. And a ſpiritual Obligation which is in the Conſcience muſt needs be perſonal, as there is in each man his own Conſcience, and which cannot paſſe to another perſon.* Yet it is to be reſolved, that, as *Grotius* obſerves in his *annot.* on *Joſh.* 2. 12. *in ſuch things which violate not the publique ſtate they that are ſent of the people bind the people.* And ſo the Oath of an Ambaſſador, or a Deputy authorized as a ſubſtitute or proxy, may binde the Prince or State, who deputed them, and in Treaties of Peace the General, and Army may be bound by the Oath of Commiſſioners choſen by them to Treate of Peace. And in ſome caſes the Oath impoſed, though not perſonally taken, may bind the Subjects, as *Sauls* Oath did the *Iſraelites*, 1 *Sam.* 14. 24. 26. And whether by reaſon of the obligation of the people of *Iſrael* by reaſon of his benefits to them, or becauſe the Oath was impoſed by a Spirit of Prophecy the Oath put by *Joſeph* on the *Iſraelites* to tranſlate his bones, *Gen.* 50. 25. did bind the Children of *Iſrael* that were ſucceſſors to their Parents, who Sware that Oath, *Exod.* 13. 19. *Heb.* 11. 22. And the Oath made by the Princes of *Iſrael* to the *Gibeonites*, *Joſh.* 9. 15. 16. did bind their Succeſſors, 2 *Sam.* 21. 6. no doubt by reaſon of Divine Revelation, that ſuch an Oath ſhould be kept, which makes the caſe extraordinary. Yet by reaſon of the benefit and cauſe of the Covenant of the Predeceſſor, the Succeſſor may be bound, as the Succeſſor to an inheritance may be bound to pay the Debts, and to perform the will of him from whom he derives the eſtate, and the Succeſſor into a Dominion or Kingdom may be bound in Conſcience to perform the Engagements put upon him by his Anceſtors, or the Founders of the Empire.

§. 8. An Oath to a perſon may bind the ſwearer to perform it to his heir.

A ninth Caſe is, whether he that ſweareth to do a thing to a perſon, he being dead, is bound to do it to his Heir or Succeſſor?

Dr.

Lect. 18. Dr. *Sanderſon præl.* 4. *de Juram. promiſ. oblig. ſect.* 10. ſaith, *I anſwer he is ordinarily bound, it is certain that the ſwearer is bound if he expreſſed, that he would do it to him or his Heir. He is alſo to be adjudged bound, although it be not expreſſed, where the Oath is taken by reaſon of any dignity: becauſe the dignity is not varied by the varying of perſons. Whence if a Subject or Souldier ſwear fidelity to a King or General of an Army, he ſhall be judged to have ſworn alſo to his Succeſſors in the ſame dignity. The ſame is to be ſaid in matter of Debt and in many other things in which ſome reaſons of office or contract hath been the cauſe of the Oath. If any ask why the ſwearer cannot bind his own Succeſſors by his Oath, but may bind himſelf to another and his Succeſſors, the reaſon is, becauſe in the one the Obligation is to be conceived to be of another, but in this of himſelf. For though a man may bind another temporally, the Obligation following the Temporal thing conveyed from him to another, yet ſpiritually as in an Oath no man can bind another any further then he will, tho he may bind himſelf to a man and his Heir or Succeſſor. Dr. Sanderſon adds, though the ſwearer be ordinarily bound to the Succeſſor or Heir, yet it may ſometimes happen that it may not bind. For a man ought to judge of the intention of the ſwearer by the nature of the thing and ſubject matter chiefly: where it may be preſumed likely by the nature of the thing promiſed, and other circumſtances, that the ſwearer intended onely a perſonal promiſe to him to whom he ſware, and not to his Succeſſors, the Obligation of the Oath paſſeth not to the Succeſſors.*

To this I ſhall adjoyn a tenth Caſe, Suppoſe a mad man Swear in his phrenſie, or a Child be urged to Swear in his minority, as when *Annibal* was ſworn by *Amilcar* his Father when he was little, or an Oath be made in a dream, which *Selden* l. 1. *de Synedr. vet. Ebræ.* p 18. ſaith, *Some Jews, and others conceived to bind*, do indeed bind a perſon when he is come to the uſe of Reaſon, is a man, or awake?

To which I Anſwer no, for an Oath being an Act of Reaſon and will cannot be ſaid to be his perſonal act, who wants the uſe of Reaſon, *there can be no binding of the Conſcience, when he that ſweareth wanteth Reaſon to diſcern what he doth*, ſaith Mr. *Perkins Caſes of Conſcience*, 2d. *Book* ch. 13. §. 3. Yet in Caſe the dream be inſpired by God it may bind, as other Revelations and Commands, which the Prophets received in Dreams, and Ecſtaſcies, in which they were bereft of the ordinary uſe of their wits.

The

The use of this is to admonish us, that we keep faith with all men to whom we are bound, that we way shew that we fear God, and not men onely. Many will keep faith no further then Civil Penalties compel them: these shew themselves Atheists: We that acknowledge God should fear to break our Oath, when there is no dread of Law or force to cause us to do it: but Gods presence onely and privity to our Actions. All experience hath shewed, that he who fears not Gods Command, but breaks his Oath, feels his power, and finds his wrath. *Lect.* 18.

Oaths for observing Statutes of Societies, bind agreeable to the end of them.

Exod. 20. 7. *Deut.* 5. 11.

Thou shalt not take the Name of the Lord thy God in vain, for the Lord will not hold him guiltless that taketh his Name in vain.

Lect. 19. *Of Oaths of Societies, contrary to a former Oath, of things impossible.*

§. 1. Oaths for observing statutes of societies bind agreably to the end of them.

AN eleventh Case, which is of much moment by reason of the frequency and usefulness of them, is concerning the Oaths taken by persons admitted into Societies, as Colledges in the Universities, Corporations in Cities, and Towns Corporate, several Companies of Artificers, and the like to observe the local statutes of the Societies, whether they be lawfully taken, and how they oblige?

To which I Answer. 1. There are many Oaths tendered to men that enter into Societies, Offices, Dignities, that contain so many reliques of Heathenish and Popish usages, and are oftimes so ensnaring of tender Consciences, that I would not advise persons to take them without good circumspection, and intelligence of what they bind themselves to, when they take them.

2. Nevertheless there is a necessity for the preservation of Societies, and their good Ordering and Government, that Oaths be taken to bind persons, that have or expect

Sect. 19. expect to have the priviledges and benefits of ſuch ſocieties, and therefore it is not to be held univerſally unlawful to take any of them.

3. That by reaſon of the many ſtatutes, of diverſe ſorts, whereof many are unknown, and cannot be well made known ſometimes to every perſon, that enters into the ſociety, there are ſo many doubtful interpretations, and difficulties about the obligation, that it were to be wiſhed that the Oaths were not impoſed to be taken in ſuch general terms, as uſually they are; but the Oaths of obſerving them be to thoſe that are known and neceſſiary for the being and well being of the ſociety, and as few as may be, that the perplexity, that hath been in ſome tender and Intelligent conſciences by reaſon of univerſity and other oaths, may prudently be prevented.

4. That theſe doubts and perplexities might be the like, if not ſo great, if the promiſe were without an oath to obſerve them, ſith the obligation is alike, though not ſo ſtrong to perform a promiſe as an Oath. For which reaſons I conceive it very neceſſary to diſcuſſe this point ſomewhat fully.

Mr. *Perkins* in his 2d. *Book of Caſes of Conſcience c.* 13. *John Downam of Oaths c.* 10. *Sect.* 14. *Diſtinguiſh of Statutes in ſuch Oaths included. Some are Principal, Fundamental, Eſſential, Subſtantial, which are neceſſary to be obſerved, that the ſociety may continue. Some are leſſe Princial, or mixt, or ceremonial, that tend onely to keep order and decency.* As in a Colledge there is a ſtatute, that the perſon is ſworn to that he ſhall juſtly deal with the ſociety by not defrauding it; for that would quickly undo and deſtroy the ſociety, and therefore this is a principal ſtatute, and he that doth not keep his oath in obſerving it muſt needs be perjured.

There is another ſtatute cerncerning outward habits, and order, which may be needful for the flouriſhing of the ſociety, yet the ſociety may continue if not obſerved. *Of either of theſe ſorts ſome have a penalty annexed to them, ſome not. Now they ſay that he that ſwears to obſerve the Statutes fundamental is bound to keep them, nor is he free from perjury, if he break them, though he ſhould be willing to undergo the puniſhment. In the leſſe principal, if they undergo the penalty annexed willingly when it is impoſed, they are not guilty of perjury, though they have broken thoſe ſtatutes:*

becauſe

because the Lawgivers intention was not to bind them simply to obedi Lect. 19.
ence, but to obedience or penalty. David Pareus *Comment in Gen.* 24. 19. *saith thus, Rightly* Abraham *had adjured his Servant in a serious thing, because he was Lord of his servant. Rightly now also a servant takes an Oath of Fidelity. But he swears concerning his Will, Faith, and endeavour, not of the successe, which he commits to God. And so Subjects swear to the Laws concerning their present Will and Affection, that they will faithfully obey them. Therefore they are become perjured, as oft as they sail, because they perform not neither in Deed, nor Will, what they have sworn.*

Answer, *The Obligation of Laws is either to obedience or to punishment. To either of them the Subjects bind themselves by Oath, that they will obey the Laws, but if not, that they will undergoe the punishments established by the Laws. Delinquents therefore if they voluntarily submit themselves to punishment, they are not guilty of perjury. But then they are guilty, if they neither yeld sworn obedience to the Laws, nor by punishment are willing to satisfie the laws.* Dr. Prideaux *in his latine Sermon,* Feb. 27. 1626. *on* 1 Sam. 14. 26. *We are bound by an Oath to observe the Statutes, Priviledges and Customs of this University, to keep the peace, to detect delinquents, and so in other things. Let us a little stay here that we may see, whether he that doth not perform this, which he promiseth so solemnly by publique Oath be guilty of perjury? It would be too much here to gather into a heap the niceties of Divines, Lawyers and Casuists. All agree that those Statutes which we are to obey are in a double difference. Some are absolutely propounded, others under the condition of a punishment annexed. He who doth violate the former (especially where expresse mention is made of perjury) doth necessarily incurre the Crime of Perjury. In the later thou art free, if thou undergoe the punishment: because such an Oath binds onely to the law, the law to obedience or punishment. But if thou decline the due punishment inflicted, thou wilt not find any Advocate among Divines or Lawyers who will excuse thee from perjury. Our* Perkins *in his Cases of Conscience* 2d. *Book* ch. 13. *distinguisheth between the university Statutes, which distract the whole frame of the body, and those which serve onely for decency and order. And he concludes the former are to be observed under the guilt of perjury: not so the latter, unles the punishment inflicted, either as it is expressed, or where it is not expressed, is divers wayes injoyned according to the Magistrates prudence, be stubbornly rejected. Truly this milder Opinion of a most learned, and punctual man is not to be rejected: Yet I had rather, if I did absolutely swear, for instance, that I will not*

Lect. 19.

mar the Books in the publique Library, or in other things of the ſame moment, without mention of any mulct: if I ſhould mar them under any aim or pretence; I had rather (I ſay) go to God as a Suppliant, that he may pardon my perjury, then betake my ſelf to theſe wretched ſubterfuges, or wayes of eſcape, which would not excuſe with Conſiderate men, which I counſel to be done in other things of the ſame weight. This paſſage of ſo Learned a man hath given me occaſion to ponder ſomewhat more of this Point, and it ſeems to me, 1. that the penalty annexed to the Law is not to make the command disjunctive, either to do this, which the Law requires, or to undergoe the puniſhment, but to bind more ſtraitly to the thing commanded, and ſo to eſtabliſh the Law. And therefore, though I think the undergoing of the puniſhment tend to ſatisfie the intent of the founder, or maker, or injoyner of the Statutes in things of leſſe moment, and when the fault is open and eaſily known, and ſo is of uſe to clear the Meaning and Obligation of the oath: yet I doubt whether in this way, which Mr. *Perkins* and others urge it, a perſon is excuſed from perjury. For I doubt much, whether the willing undergoing of the mulct doth excuſe from perjury, ſith the oath is to obſerve the Statute not to undergoe willingly or unwillingly the puniſhment. No ſtatute ties a man to undergoe the puniſhment willingly, it is all one to the Law, or Lawgiver, whether it be ſubmitted to willingly or unwillingly. 'Tis true by willing undergoing of puniſhment, he that is puniſhed ſhews, that he is not a refractary ſtubborn perſon to the Authority inflicting it, and gives more hope of obedience for the future, then he who ſhews himſelf diſcontented: But this doth not acquit him from diſobedience every way to the ſtatute, to which obedience was promiſed by oath. Beſides, ſuppoſing the ſtatute have no penalty annexed, or the Governour through remiſsnes exact it not, then by this determination he muſt needs be guilty of perjury through anothers defect, and he ſhould, if guilty of violating the Statute, offer himſelf to puniſhment, and contrary to all reaſon, ſollicite his own puniſhment, that he may be clear from Perjury, if it be the undergoing of puniſhment willingly, which acquits him from perjury.

2. Concerning the diſtinction of principal and leſſe prinpal ſtatutes, I conceive it is good, and uſeful in this Caſe,

and

and that obedience is not required to the one as to the other: Yet withall I think neceſſary to inſert theſe proviſoes. *Lect.* 19.

1. That it is not to be left to the judgement of each ſubject to ſever the principal from the leſſe principal, which is to be done rather by the Governour of the ſociety, or him who tenders the Oath. Sometimes leſſe principal ſtatutes in reſpect of the matter may be as neceſſary as other ſtatutes to be obſerved by reaſon of the ſtrict command of the Governour, or by reaſon of the evil example, that may follow, if neglected. Thoſe Statutes, which are leſſe principal at one time, will be principal at another time, when the conſequence may be to the endangering of the Society (which may be perhaps known onely to the Governour) As the Statute of not wearing habits anſwerable to a degree in Schools, may be a ſmall fault at one time, and yet at the entertainment of a King, eſpecially when any watcheth an opportunity to alienate his mind from them, and to ſeize on their Lands, and to diſcloſe their Society, it may be moſt neceſſary to obſerve every punctilio of the Statutes.

2. That he that ſhall willingly either by a poſitive Act contrary to the Statute he ſhould keep, or by a witting and willing neglect of what he ſhould do, whether in principal, or leſſe principal ſtatutes, break them contrary to the obedience promiſed by oath, cannot be well excuſed from perjury. And if he do break any of them thus, out of a premeditated purpoſe, as truſting to the undergoing of the mulct for the acquittal from perjury, I conceive his perjury will be more manifeſt, ſith the willing ſubmiſſion to the penalty is not adjudged by Caſuiſts to acquit from perjury the wilfull breach of leſſe principal ſtatutes, but the ignorant or heedleſſe or forgetful non-obſervation of them.

But I conceive, that the righter and better way to quiet the Conſciences of men about theſe Oaths is to inform them how they ought to be underſtood. Concerning which I think that is needful to be well minded, which is before in this Treatiſe *Lect.* 11. *Sect.* 5. to which I further add, *Aquinas* 2a 2æ *q.* 147. *art.* 4. *We are to ſay that common Statutes are propounded according as they agree to the multitude. And therefore the Law-maker in making them, attends to that which commonly and in moſt Caſes happens. But if any thing by ſpecial cauſe be found in any,*

Lect. 19.

which may be repugnant to the obſervance of the ſtatute, the Law-maker intends not to bind ſuch a one to the obſervance of the ſtatute, in which yet diſcretion is to be uſed. For if the cauſe be evident, a man may by himſelf lawfully paſſe by the obſervance of the Statute, eſpecially cuſtom being intervenient, or if recourſe cannot be eaſily had to a Superiour. But if the cauſe be doubtful, any perſon ought to have recourſe to a Superior, who hath power to diſpenſe in ſuch things Dr. *Ames* alſo l. 4. *de conſcientia*, c. 22. *Sect.* 26. *He that ſweareth that he will obſerve the ſtatutes of any ſociety, is to be judged to underſtand them as thoſe ſtatutes are in uſe, and are obſerved by others with approved cuſtome. He that ſweareth to ſtand to the p ecepts or ſtatutes of any man or ſociety, ought to be underſtood in that ſenſe, that the Oath be not extended, but to things likely thought on, not to thoſe things, which if they had occurred to the cogitation of the ſwea er, it is likely he would not have promiſed.* Likewiſe that which *Zanchius* on the 3d. *Command* and others obſerve, that ſuch oaths muſt be underſtood with ſuch Limitations as theſe, that he will obſerve the Statutes *pro noſſe & poſſe, ſo far as he knows and is able* to obſerve them. And this ability is not to be interpreted ſimply, ſo as that he ſhould be ſo obſervant of them as to mind them and nothing elſe, and to perform them with all his heart, ſoul and ſtrength as he is to love God, but of obſerving them as he is able in his preſent eſtate, and as other neceſſary affairs will permit; ſo as that, if either ignorance not affected, forgetfulneſſe, or extrinſecal impediments not ſought after, do cauſe ſuch a neglect of a Statute, he is not to be adjudged perjured. For Laws of men, which reach onely to the outward Acts of the Members, do not make ſuch neglect diſobedience, or puniſh it, unleſs when they be Tyrannically urged, or the neglect is ſo frequent, as that it may juſtly be interpreted for contempt. To ſhew this determination to be the ſame with others I have tranſlated the words of Biſhop *Sanderſon*, *de Juram. promiſſ. obl. prælect.* 32. *ſect.* 1. 17, 18. *The ſecond Caſe is when from a ſubject an Oath is exacted of keeping and defending the rights, priviledges, Prerogatives, and preeminences of ſome higher power; as of a King, City, or Lord of ſome fee: ſuch as are with us the Oaths of homage, the Oath of the Kings ſupremacy and the like. Everyone acknowledgeth that oaths of this kind are lawful, and alſo that they bind: but by reaſon of the uncertainty of thoſe rights for the moſt part, it may deſervedly be doubted, how far they bind. It is to be*

ſaid,

ſaid, that the Subject is undoubtedly bound to preſerve as much as in him lies all thoſe rights which by Laws or Cuſtoms it is manifeſt are legal; that is thoſe which either are defined by written Law, or have been in force by long uſe of time, and continued (as they call it) preſcription, to wit, ſo far as they are known to him, or alſo hereafter morally they may be made known. Yet not to be alike bound to obſerve all thoſe which are of doubtful or controverted right: eſpecially ſith they are wont, as uſually it cometh to paſſe, as they have power to extend the Cords of their fields, and to leap beyond the mere ſtones of their Client, and not to be content with the bounds of their own right. Yet a ſubject ought to be alwayes of a ready mind to acknowledge and maintain thoſe alſo which are doubtful, where it ſhall be manifeſt that they are juſt. ſect. 18. Lect. 19.

Sixtbly, Sith the ſtatutes of communities are uſually many, and many unknown to many; and it is a moſt hard thing to obſerve all and ſingular exactly and ſquarely, he that ſhall be ſo diſpoſed in good Faith to paſſe by nothing willingly, which belongs to his office, and uſeth due moral diligence that he may know all that pertain to his office; and hath determined as far as humane infirmity ſuffers to be ſerviceable to the Eſtate, Honour, Peace of his Community faithfully and without ſcandal, I ſhould not doubt that this man hitherto hath freed the faith given by him concerning obſerving the ſtatutes with a good Conſcience, and to have payd the debt by the Law of Equity and good to which he had bound himſelf. Which likewiſe is to be underſtood concerning the publique Laws of the Kingdom.

Moreover if a ſtatute ceaſe to be in force by diſuſe, or by the willing relaxation given by thoſe that have the power of exacting obedience, or from ſome rule of interpreting the obedience required, or any other ſuch way as is agreeing to equity, then is the perſon in the ſame manner free from perjury as from diſobedience. And if there be a plain ſevering of principal ſtatutes from leſſe principal, by the penalty inflicted on the violators of them, the ground of making them, the intention of the framers of them, or the declaration or practiſe of the exactors of obedience, and it appears, that though the Oath were Miniſtred in General terms, yet it was required for the ſake of the principal ſtatutes and orders, or any other plain way do aſſure us, that our omiſſion or commiſſion conſiſts with the obedience intended, and expected upon our Oath, the perſon that ſwears is to be acquitted from diſ-

Lect. 14.

diſobedience, and in like ſort from perjury.

§. 2. An Oath of a man far gone in drink or paſſion binds not.

A Twelfth Caſe is concerning the Oaths of them that ſwear being drunk, or in rage and paſſion that they will give this, or that they will disinherit ſuch or ſuch a one, or never eat or drink with him, or be friends with him, whether theſe oaths do bind or not?

To which I anſwer, 1. That for the moſt part ſuch oaths as theſe are about ſome unlawful thing, as not to cohabit with a wife, relieve a parent, be revenged of another, disinherit a dutiful child, or the like, now ſuch kind of oaths are not to be kept. So *Herods* Oath in his Wine was not to be kept, it being evil to give away half of his Kingdom to a dancing Damoſel; and *Davids* oath, 1 *Sam.* 25. of deſtroying *Nabal.*

2. That when it is manifeſt, that Wine or Anger have not onely clouded and diſturbed the uſe of reaſon, but for the preſent taken it away, then undoubtedly the Oaths are to be repented of as great ſins, but not ſo as to bind any more then the Oath of a Mad-man or a Child: becauſe an Oath being an act of will ſhould be deliberate, nor is it to be accounted a mans Act unles it be with the uſe of reaſon, but as the Act of a beaſt, and ſo they bind not in the Court of Conſcience eſpecially, when indirect wayes are uſed to gain an oath for outward advantage, as by urging to drink or by provoking to paſſion.

3 If the perſon be not far gone in drink or ſo exceſſively angry, but that he hath uſe of reaſon though leſſened, and different from what he hath at other times, ſo as that he can ſomewhat conſider of what he ſaith, or doth underſtand but not ſo well as he ought, and the thing he ſwears to do be not unlawfull he may be bound in conſcience to do it as well as by laws.

4. Nevertheles, if the promiſe were gained indirectly to the injury of ſome other perſon, or a wicked end, a man when he is ſober is to conſider upon what condition he ſware, and the ill conſequence of it, and to endeavour as the gaining of pardon from God, ſo likewiſe a releaſe from the oath either by perſwading the perſon, who is advantaged by it, to come to compoſition, and to get equal terms, or to uſe the Magiſtrates power by puniſhing the perſon that drew him to ſwear for his unrighteous practiſe, or ſome other way by relieving

lieving him or his that is damnified. In ſuch accidents as theſe it is moſt agreeable to juſtice, that Judges and Magiſtrates interpoſe for the preventing of the ruine of families, and for the repreſſing of ſuch wicked practiſes, whereby men are cheated, and damnified by the cunning of ſuch ſons of *Belial*, as inſnare men by wine and paſſion, that they may make a prey of them. *Lect.* 19.

§. 3 Cuſtomary complemental Oaths in faſhion & jeſt do bind.

A Thirteenth Caſe may be about Oaths of Cuſtome, Complemental, in Faſhion, or Jeſt, which often come from ſome perſons, who are of a profane ſpirit, and the queſtion is, whether ſuch Oaths as theſe do bind? *Anſ.* Sometimes perſons out of cuſtome in ſwearing ſwear, that which they never intend to do: Now if they knew what they did, when they ſwore, though they were light, and vain in their words, they ought to conceive themſelves bound, if the thing be not ſome way ſinful to be done, and however to repent of their raſhnes in ſwearing. Sometimes in courteſie men Swear Complementally in a ſmall or light matter, as if a man *Swear* that he will not go before another, or not ſit down at the table before him, or drink before him, or that he will wait on ſuch a perſon home to his houſe; which oaths are often mutual, ſo that the other alſo *Swears* he will not ſit down or drink or go out of the Houſe before the other, yea they are ſometimes contradictory, that he ſhall not wait on him, that he will not ſit down unles the other ſit down firſt now it may be doubted what is to be done in theſe caſes? This may be certainly reſolved, that ſuch kind of Oaths are ſinful and impious both in that they are raſh, and in a light matter, in which Gods Name ſhould not be taken, and therefore there ought to be repentance for the ſin of vain and raſh ſwearing. But as for the Obligation undoubtedly *in their Nature they bind* the things not being unlawful, *unles the Act were altogether indeliberate*, as Dr. *Sanderſon* ſaith *prælect. 6a. de Juram promiſſ. Oblig. Sect.* 16. which I think can hardly be ſaid of ſuch men, unles they be very far gone in drink, *yet* (ſaith he) *the Obligation may be hindred, if it be underſtood with this ſecret condition or exception, in this ſenſe, If it ſhall pleaſe thee, or if the thing be left to my choice I will not go unles thou go firſt. The obligation alſo may be taken away: becauſe when it hath proceeded out of ſome reſpect to the honour of the other, that other may let go his right, and then the obligation will ceaſe.* I for my part think the

mater

Sect. 19. matter may be better agreed by going both together, ſitting down, and drinking together, and in caſe of repugnancy, that both repent, and either by interpretation or relaxation ſettle the matter between them that if poſſibly perjury may be avoided. I ſhould ſcarſe have judged it fit to have meddled with theſe caſes, but that that Reverend Biſhop hath though fit to take them into his Publick Lectures in the Univerſity of *Oxford*. Sometimes men uſe Oaths out of faſhion, and in jeſt, and they promiſe things which they never ſeriouſly purpoſe, which Oaths are to be judged to be ſinful in their making becauſe vain and raſh, and therefore requiring ſerious repentance, and they bind as the other cuſtomary, and complemental Oaths, and make the perſons guilty of perjury, if not performed. For both which there ſhould be great contrition of ſpirit, becauſe ſo ſacred a thing as an Oath one of the chiefeſt parts of Gods Worſhip, and the ſtraiteſt bound of one man to another, is ſo groſly abuſed.

§ 4. A later Oath contrary to a former binds not.

A fourteenth Caſe is concerning a later Oath contrary to a former, and the queſtion is, which of theſe is to be kept?

The anſwer whereto is, if the former Oath were not to perform any unlawful thing it is to be kept. For as the Apoſtle reaſoneth, *Gal.* 3. 15. 17. *Brethren I ſpeak after the manner of men, though it be a mans Covenant if it be confirmed, no man diſanulleth or addeth thereto. And this I ſay, that the Covenant that was confirmed before of God in Chriſt, the Law, which was four hundred and thirty years after, cannot diſanul, that it ſhould make the promiſe of none effect:* So we argue that a later promiſe or Oath cannot diſanul a former Oath. To which we may add that which Dr *Ames* l. 4. *de conſcientia* c. 22. *ſect.* 29. ſaith, *That the latter Oath is* ex intrinſecâ ſuâ naturâ *of its own nature by reaſon of a foregoing promiſe plainly unlawful.*

Yet this Reſolution is to be limited, if the Oath made before be not againſt the proceedings of publique Juſtice and Authority of Magiſtrates. For in ſuch a Caſe, as is argued by Biſhop *Andrews* in his *Speech in the Star Chamber concerning the Counteſſe of* Shrewsbury *her Vow not to anſwer, it is an impious Vow that deſtroys Judgement which is Gods.* Thus if a man ſwear to a Thief to keep ſecret his Fact, and the Judge require him to give Teſtimony againſt him upon Oath, he ought to do it, and is to conceive, he hath performed the firſt Oath, if no

Fact

Fact of his were the means of revealing it. For though (as I determined before *Lect. 13. sect. 6.*) a man is not to reveal it of his own accord contrary to his Oath, yet the Oath of concealing it is not intended any otherwise then to do no act of himself by his own procurement to disclose it, and, if it were that more were intended, yet the Oath would be of a thing, in the event unlawful, and so not to be kept, when by Divine Providence, he not procuring it, the Judge enquires into the fact of the Robber, because he is bound by a greater bond to promote Justice, and to be obedient to the Magistrate. For which reason that speech of the *Rhemists* in their *Annotation on Acts 23. 12.* [*If thou be put to an Oath to accuse Catholicks for serving God as they ought to do, or to utter any innocent man to Gods enemies and his, thou oughtest first to refuse such unlawful Oaths: but if thou have not constancy and courage so to do, yet know thou that such oaths bind not at all in conscience and Law of God, but may and must be broken under pain of damnation. For to make or take such Vows or Oaths is one sin, and to keep them is another far greater*] is impious. To which Dr. *Fulke* thus answers, *And if any man take an Oath to discover true Catholicks, he is bound to perform it. For it is no sin absolutely to discover them, that may without sin discover themselves. And many Vows and Oaths are unlawful to be made, which when they are made, it is lawful to keep, as the Oath made to the Gibeonites, the breach whereof was punished in Sauls posterity, 2 Sam. 21. And if it were sin absolutely to discover them, yet it is not lawful to lye in denying or concealing of them. Wherefore your Doctrine savoureth strongly of the Sect of the Priscillianists, which said, Jura perjura, secretum prodere noli, Swear and forswear, but bewray no secrets. Although obstinate Papists, whom you affirm to be true Catholicks, be indeed rank Heretick: and Traytors.* *Lect. 19.*

A fifteenth Case is concerning an Oath, to perform what he cannot do, and the question is whether such an Oath do bind or not? §. 5 Of things impossible bind not.

To which I answer, Things impossible are either simply impossible that can be done by none, whether because the thing in the nature of it is impossible, as to fly to Heaven, or by reason of the present state, as if a lame man should swear he would within an hour walk an hundred miles, or Morally or Legally impossible according to the Rule in Law, *we can do*

Lect. 19. *that which we can do rightly, we can do nothing against the Truth but for the Truth,* 2 Cor. 13. 8. An oath concerning any of these is altogether unlawful, and so binds not, no not so much as to endeavour the performance, for it would be tempting of God. Or things are impossible in respect of the person, that should do them, which may be either then when he promised, or by reason of some after-event, as suppose Sickness, Imprisonment, decay of Estate or the like, and this impossibility either was or might be discerned before or after the taking of the Oath. He that should swear a thing impossible to himself before his Oath, and so known or very likely to be such in his apprehension should sin in a very presumptuous manner taking Gods Name in Vain, unless he add, if I be able, or as much as in me lies. Nor is it excused by saying, these conditions are presupposed, as being in common apprehensions understood. For this is true onely when it is presumed that he who swears could not foresee what might hinder the fulfilling of his promise: But when this may not be presumed, but the contrary, that he was not ignorant that such things were likely to hinder his performing, such interpretation of his oath is not to be granted, but it is to be taken as swearing deceitfully. Yet such an oath may bind a man to endeavour to do what he can, though the thing prove impossible. But if it be impossible by accident not foreseen, and were fully intended by him that sweareth; then neither was the oath unlawful, nor binding except to so much as he can do, and if it tend to anothers dammage, as if he swear to pay so much Money which by reason of Robbery he is disabled to do, he should by supplication or other way endeavour to obtain a Discharge of the Creditour, with intent if afterwards inabled to make what compensation he can. Nor in this Case where the intention is real is it necessary to add the Clause, if I be able, at the taking the oath, forasmuch as it would make persons jealous, whom he intends to assure of his truth, that thereby he doth provide for an evasion.

§. 6. An Oath may be and is to be kept tho imposed unduly.

A sixteenth Case may be, If an Oath be required of him that without rightful Authority doth require it, usurping Authority and Power not due to him, it may be

be doubted, whether it be lawful to take an Oath ſo tendred, and if taken, whether and how farre it binds? *Lect.* 19.

I ſhall Anſwer it in the words of Doctor *Sanderſon de Juram. promiſſ. oblig. prælect.* 4. *ſect.* 7. *We are to ſay firſt, That the Pious and Couragious man ought to decline altogether as much as in him lies all Oaths impoſed by thoſe who have not lawful power. Not onely becauſe they that uſurp Dominion are wont to compel thoſe over whom they exerciſe Tyranny to promiſe things unjuſt: But alſo becauſe every one is bound according to his might to defend his own right and liberty: nor to deliver himſelf eaſily into ſervitude to anothers Tyranny.*

But ſecondly, If beſides command force alſo be added, which he ſhall not be able to reſiſt, ſo as that now no place is left of refuſing without utmoſt danger: We muſt ſay a Pious man may admit ſuch an Oath to avoid a great dammage to himſelf, but yet hardly and aggrievedly, and with ſome ſignification of reluctance of mind: Nevertheleſſe ſo that the words themſelves of the Oath (which is moſt rare in this kind) contain nothing either of it ſelf unlawful, or contrary to the publique Laws, or derogatory to the right of ſome third perſon: otherwiſe he ought to refuſe it, even with hazard of life, and rather ſuffer extremities, then bind himſelf with a diſhoneſt Bond.

We muſt ſay thirdly, He that ſhall take an Oath tendered by a perſon, not having juſt authority, but in no other part vitious, is altogether bound to fulfil what he hath ſworn. Whence I infer, that neither do Popiſh Prieſts juſtly refuſe to ſwear, when they are urged by Proteſtant Magiſtrates, nor are they excuſed from perjury when they break ſuch Oaths, pretending (as they have done) that they are not lawful and by good Authority miniſtred to them.

Oaths of things unlawful bind not.

Exod. 20. 7. *Dent.* 5. 11.

Thou ſhalt not take the Name of the Lord thy God in vain, for the Lord will not hold him guiltleſs that taketh his Name in vain.

Lect. 20. *Of Oaths of things unlawful, and looſing the Bond of an Oath.*

§ 1 Oaths of things unlawful b nd not.

THE ſeventeenth Caſe about Promiſſory Oaths is, whether if a perſon ſwear to do a thing which becomes unlawful he is to keep it.

Anſ. It is Univerſally (as I conceive) agreed upon by Writers in Divinity, that no Oath, whereby a man binds himſelf to do that which Gods Law prohibits, or to omit that which Gods Law Commands to be done, is to be kept. Whence *David* is commended for breaking his Oath about the deſtruction of *Nabal*, 1 *Sam.* 25. 20. which *Abigail* told *David*, *would be no grief of Heart to him*, *v.* 31. and *David* thereto aſſented and bleſſed God for her advice. And on the other ſide *Herod* ſware, *Mark* 6. 23. *To give to the Daughter of* Herodias *whatſoever ſhe ſhould ask even to the half of his Kingdom*, *the* thing ſhe asked was *John Baptiſt's* Head in a Charger, which he cauſed to be cut off, and to be given her, becauſe of his Oath, *v.* 26. Wherein he did wickedly to ſwear, but moſt impiouſly to keep his Oath, which he ought not to have made, much leſſe to have kept. Thus do Ancient Writers conceive of *Davids* and *Herods* Fact, *Ambroſe tom.* 1. *lib.* 1. *Offic.* c 50. *ad finem*, *Auguſtin tom.* 10. *Serm.* 11. *de ſanctis*, *de feſto decollat. Joh. Baptiſtæ*. *Beda* cited by *Lumbard l.* 2. *ſent. diſt.* 39. *H.* more are cited in *Decret. cod.* 22. q. 4. The Rule of *Iſidore* is Univerſally received. *In evil promiſes break thy faith*, *in a diſhoneſt vow change thy decree*. *What thou haſt unwarily vowed do not: it*

is

Lect. 20.

is an impious promiſe which is fulfilled by wickedneſſe. Aquinas 2a. 2æ. q. 89. *art.* 7. determines in like manner, becauſe ſuch a fulfilling of an Oath would *vergere in dexteriorem exitum, ſway a perſon to a worſe iſſue*, it being worſe to keep the Oath, then to break it or make it. The Schoolemen, Canoniſts, Caſuiſts of all ſort determine in like manner, agreeing that the oath taken to kill *Paul*, *Acts* 23. 14. ought to be broken, and if the breaking of it were to be termed perjury, the evil was in the making of it, not in the breaking of it. But that which our Saviour determines, *Mark* 7. 11. concerning the not relieving of Father or Mother becauſe of the vow of *Corban*, that it was wicked, becauſe of breaking of Gods Command under pretence of a Vow, or Promiſſory Oath (of which ſort *Ludovicus Capellus diatriba in locum* proves that of ſaying *Corban* to have been) puts it out of all doubt, that it is manifeſt Hypocriſie and Impiety to ſin againſt God becauſe of an unlawful Oath, which is made.

And the Reaſons of this Reſolution are plain. For 1 by appealing to God in Swearing we bind our ſelves to God, and thereby we would ſeem to gratifie God. But none can gratifie God, nor can any man conceive God takes a man bound to him to do that which is againſt his Will, that which is againſt his will diſpleaſeth him, and therefore no man is bound to keep an Oath, which is to perform that which is ſinful.

2. An Oath contrary to a former Oath or Promiſe or engagement is not to be kept as I ſaid before, but the Oath which promiſeth ſomething ſinful is contrary to a former Oath, Promiſe or Engagement either made, or which ought to be made of not ſinning, therefore ſuch an Oath is unlawful. Righthly ſaith *Saravia* in his *Defence againſt Beza*, c. 2. *Although Biſhops ſhould a thouſand times bind themſelves to the Pope of Rome* (as heretofore they did in *England* afore the dayes of King *Henry* the eighth) *ſith this is repugnant to thoſe things, which are done and promiſed to Jeſus Chriſt and his Church, they owe no Faith to him.*

3. All Obligation is to duty, but in doing that which is ſinful there is no duty, therefore there can be no Obligation, no not by Oath to it.

4. To

Lect. 20.

4. To avoid ſin is Gods Command, and Gods Command cannot be made void but by himſelf. No Act of man can abrogate his Law, if it could it ſhould have a Higher Authority then Gods, it might impoſe Laws on God, which were to *exalt man above all that is called God*, and therefore to conceive an oath of a thing contrary to Gods Law binds, is to conceive a man ſuperior to God, I ſay of a thing contrary to Gods Law: For if the oath were unlawfully made, and the ſin were onely in the Act of ſwearing, and not in reſpect of doing the thing ſworn, the Oath might bind, as it did in the caſe of the *Gibeonites*, *Joſh.* 9. 15. 19. But, if it be an Oath to do a thing unlawful, a perſon is ſo far from being bound to keep it, that he is bound not to keep it, and he is rather to be counted perjured, that is, *perperàm jurans*, *one that hath ill ſworn*, who doth not break it, yea to fulfil it is *to draw iniquity with cords of vanity, and ſin as it were with cart-ropes, to add ſin to ſin, drunkenneſſe to thirſt.* Which is neceſſary to be inculcated, not onely becauſe of the Superſtition, that is in many to think they are bound to keep their vows of Pilgrimages to Worſhip Holy Reliques, and to perform other unrighteous Acts: But alſo becauſe of the exceeding great hardnes of heart, which is in many profane ſpirits, who, after they have ſworn in paſſion or pride, think they are engaged in honour to do many wicked things, as to fight duels, to oppres the poor and the like, juſt as *Herod*, who was ſorry to take away *John Baptiſts* life, yet would do it becauſe of his Oath, as if his Oath were more to be regarded then Gods Command.

§. 2. Oaths of things unlawful by accident may bind at another time

But here we are to conſider, that things unlawful are not all of one ſort, and therefore there are various caſes, which require diſtinct conſideration. The thing that is unlawful ſimply and univerſally whether the doing of it be a ſin of commiſſion, or the not doing a ſin of omiſſion, whether in expreſſe words as in *Jezabels* Oath, 1 *Kings* 19. 2. or by conſequent, as in *Herods* Oath, *Mark* 6. 23. is not to be accounted obligatory be the Oath never ſo Solemn and Serious. A vow of *Corban*, which is againſt the duty of the fifth Commandment to relieve Parents, and an Oath of murder to kill *Paul* againſt the ſixth, an Oath never to hear the Goſpel Preached, or an Oath to go to Maſſe, and to Adore the conſecrated

ſecrated Hoſt, are Oaths to do that which is againſt the Goſpel of Chriſt, and the ſecond Commandment, and therefore the performing of them is no way obligatory, but damnably impious. *Lect.* 20.

Thoſe things, which though not unlawful in themſelves, yet are unlawful to the perſons ſwearing, whether by reaſon of the repugnancy to the Laws and Authority to which they are ſubject, or becauſe they agree not to their particular function or eſtate of life are not to be performed though by oath a perſon bind himſelf thereto. As if a man ſwear to furniſh a man with weapons or money who becomes a Traytor, it is unlawful to keep this Oath, becauſe the Publick ſafety, which ſhould be the Supream Law is thereby endangered, or that Biſhop, that ſhould ſwear he would not Preach the Goſpel is bound to break his Oath, becauſe is is contrary to his Office, not to preach the Goſpel, it being part of his duty, without which he doth not diſcharge his function. He that ſwears to do a thing againſt the will of thoſe to whom he is ſubject in the thing wherein he is ſubject is not bound to perform it, untill he be either free from his ſubjection, or can gain conſent of the Superiour, either expreſſe or tacit. God hath determined, *Numb.* 30. 4. 8. that if a Daughter in her Fathers houſe make a vow or Oath which the Father diſallows, or a Wife that which her Husband diſallows they are not bound to keep it, as in caſe a Maid promiſe to marry, or to enter into a Religious order, or the wife not to yeld due benevolence to the Husband, if the Servant ſwear not to yeld that ſervice to his Maſter which is due, or to be abſent from his Maſters houſe when he ſhould attend on him, or if a Subject ſwear to travaile againſt his Princes prohibition, and in any other caſe wherein a perſon is ſubject, an Oath contrary to that obedience he owes binds not, becauſe it is contrary to Gods Command, that requires *every Soul to be ſubject to the Higher Powers, Rom.* 13. 1. *Servants to obey their Maſters Col.* 3. 22. and they that are Superiours have a right to the obedience and ſubjection of their inferiours, which cannot be taken from them, without injury to them, by the act of the ſubjects without their conſent. Yet in thoſe things, wherein by accident, the thing ſworn becomes unlawful for the time, and ſo during that time the Oath is not to be kept,

if

Sect. 20. if that restraint be taken away, the Oath at another time may bind in things not in themselves, nor universally unlawful, and a person is to keep it. Sometimes the thing sworn becomes unlawful after the person sware, which was not so before, as it is unlawful to give a mad man his weapon in his phrenesy, which a man lawfully sware to do to him, when he was in his right mind.

But there are some other cases which require somewhat further examination. It happens sometimes that the keeping of an oath may hinder a greater good, and the hindrance of a greater good seems to be a sinfull evil. *Aqu.* 2a 2æ. *q.* 89. *Art.* 7. determins, *that an Oath when it is impeditive of good is not to be kept, because it swayes to a worse issue.* *Zanch. tom.* 4. on *the third Commandment de Juram. thesi.* 7a. and other Protestant Divines instance in the case of him that should swear never to be a Preacher, if after God call him, and the Church call him, and it be necessary, it being then his duty to yeld, he is to repent of the Oath, but not to keep it. But D. *Ames l.* 4. *de Conscientia* c. 22. Sect. 21 resolves thus, *Yet an Oath lawfully made, although the observation of it hinder a greater good, ought to be fulfilled, unlesse that good be such as that it infers a general Obligation, and be generally understood as an exception in such a promise.* I for my part do conceive Bishop *Sanderson* hath most judiciously delivered himself thus, *præl.* 3. *Sect.* 12. *de Juram. promiss. oblig. There cannot be any general and certain resolution of the doubt in this case, which may agree to all singular facts: because it is about comparing of greater and lesser good, which most depends on the comparing of circumstances: which sith they are of infinite variety they cannot all be so comprehended in certain and definite rules, but that the thing for the most part is to be left to the choice of a prudent man, that he may at last do, what shall seem at length to him to be expedient for this place, and this time, reasons on both sides being weighed with what Faith and Diligence he may. Yet in the mean time, sith it is not simply true (unlesse it be warily understood) that every man is alwayes bound to do that which is better, for resolving of the doubt in this case it may be said, an Oath is not unlawful, or looseth the force of binding, precisely for this that it seems to be hinderful of a greater good; unles also other circumstance concur (as indeed it often comes to passe) which may evince that either not to be lawful or not to oblige. The thing will be more clear by example.* Caius *being taught*

taught by Titius *the Inventor a Medicine of ſingular vertue, or other excellent Artifice, but on that Condition, that he ſwear not to communicate it with any other he being alive, and not conſulted with. The not communicating of ſuch a ſecret ſeems to be againſt the Publick good: and yet reaſon dictates that* Caius *is bound, and held in good faith to obſerve what he promiſed. Otherwiſe* Titius *ſhould be injured, whom it behoves that the ſecret be not communicated which neither from the beginning had been communicated to* Caius *himſelf, unleſſe ſuch an Oath had been interpoſed.* To which I add, that as on the one ſide there may ſeem to be a great deal of hurt in ſome caſes, if an Oath out of diſcontent ſhould ſo bind a man of great worth from taking that imployment on him which may preſerve the Publick Weale, ſo on the other ſide, if upon the likelihood of procuring a greater good Oaths may be broken, there will be little ſecurity in them, eſpecially if made between diverſe Princes and States, or by ſome perſons to their Superiours, when there ſhall be appearance of vindicating liberty, and advancing the intereſt of Religon: But perſons will do as *Vladiſlaus* the King of *Hungary* and *Poland* did, when he brake his League with *Amurah* the great *Turke*, becauſe he thought by it a greater good was hindred, to wit the beating of the *Turks* out of *Europe* by the courſe of *John Huniades* his victories, and the Popes diſpenſing with the Oaths of Catholick Princes be juſtified, when the breaking of them ſeems to be for the advantage of the Catholick Cauſe, and that ſaying of *Brutus* who killed *Cæſar* be taken up as an Oracle, *there is no faith, nor Religion of an Oath to Tyrants.* And the Truth is, this queſtion among the Popiſh Caſuiſts is chiefly underſtood in caſe a man ſwear to do that which may hinder his going into a ſociety of Religious Perſons, as they call them, and taking upon them the vow of a Monk or Nunne, which they count a greater good as being a more perfect eſtate then to be in a ſecular or married ſtate; Inſomuch that they teach a perſon that ſwears to marry another, or is married may for a greater good break his Oath or Covenant, and either not marry or not perform the duty of marriage contrary to his Oath or Covenant, that he may become a Monk, or Frier. Which is an impious reſolution like unto the Phariſees Doctrine, who allowed a man that had vowed *Corban* for the benefit of the Temple Treaſury not to relieve his Parents. So that I

Lect. 20

Lect. 20. conceive in this and almoſt in all the reſolutions of the *Romaniſts* about keeping Oaths there is much impiety in their eaſy looſing the bonds of Oaths either making the breach of them no ſin or but venial, which hath occaſioned much perjury both in the *Roman* Church, and thoſe that in any meaſure incline to their dictates, there being ſcarce any breach of Oath layed to heart, but ſuch as tends to the diſadvantage of the Papacy, Eccleſiaſtical, and Religious perſons, which they count to be againſt their holy Mother the Church, but thoſe that bring never ſo much miſchief to Princes, Parents, Married Perſons, Civil States and Affairs being lightly regarded, and eaſily paſſed over.

§. 3. Oaths bind notwithſtanding temptations & ſcandals. There are ſome other caſes, which I ſhall ſpeak ſome thing of, though I think there will not be a neceſſity to inſiſt much on them. It may be a perſon may for the benefit of his Children Swear he will not marry again, may he marry though he find inclination to it? and the like may be ſaid of other Oaths, whereby a perſon caſts himſelf into Temptation.

To which I Anſwer, he is bound to keep his Oath notwithſtanding his danger of ſin, if he can by Lawful means keep his Oath, and reſiſt the temptation.

Perhaps a man may ſwear to do that which will occaſion ſcandal to another, whereby he falls into ſin to the ruine of his ſoul, is he bound to keep his Oath?

Anſwer, of the nature, ſorts, and evils of ſcandalizing I have ſo largely ſpoken in my Book intitled *Chriſts Comminations againſt Scandalizers Printed for Richard Royſton at the Angel in Ivy lane in London*, 1651. that I think fit to refer the Reader to reſolve himſelf about the caſes of ſcandal what he is to do to that book, eſpecially to the 4*th*. Chapter. For preſent this I conceive ſufficient to be ſaid, that unles the ſcandal be very great, imminent, certain, remediles otherwiſe, ſo as that anothers ſoul ſhould be loſt, or drawn to Apoſtacy, open profanenes, irreligiouſnes or the like ſin by my action I ſhould not think my ſelf to be quit from my Oath, by which I bound my ſoul, but rather I am to try all wayes lawful, both to prevent the wounding of my own conſcience by my breach of oath, and the ruine of my Brothers Soul by obſerving it.

Per-

Perhaps a man by Oath binds himſelf to that which after he doubts whether it be not ſin for him to do, is he bound to do according to his oath notwithſtanding his doubting conſcience? To which it is to be anſwered, that tho the doubting conſcience be erroneous and ſo the doubting perſon ſins, yet becauſe *to him that eſteemeth any thing to be unclean to him it is unclean*, and *whatſoever is not of faith is ſin*, *Rom.* 14. 14. 23. therefore, while the doubt remains, the oath doth not bind him, though the doubt being removed it is of force. *Lect.* 20.

Perhaps there may be an oath of a thing indifferent, that is left to his liberty to do ſo or otherwiſe, as to buy proviſion or to give money, if a man ſwear to do either, he may lawfully ſwear it and is bound to do it. But there is more queſtion in caſe a man ſwear to give a trifle, to give an apple, to take up a pin, in ſuch a caſe it is agreed, that ſuch an oath is unlawful in the making, becauſe it is unlawful to ſwear in a light matter of no moment, and ſome of the Popiſh Caſuiſts hold ſuch an oath not to bind, all of them make a light matter of it as may be ſeen in *Azorius his moral Inſtitutions* l. 11 c 5. *Tertiò quæritur.* But rightly ſaith Biſhop *Sanderſon præl.* 3*a. de Juram. promiſ. oblig. Sect.* 15. *Theſe Caſuiſts are blind in a manifeſt thing having corrupted the whole Maſſe almoſt of moral Divinity by the leaven of their rotten diſtinction of mortal and venial ſin. For an Oath binds in the leaſt matter there being the ſame reaſon of truth and falſehood, the ſame regard due to Gods Name in a ſmal as in a weighty matter, in an aſſertory Oath of a light matter he is perjured who ſayes otherwiſe then the thing is, therefore in a promiſſory alſo he that doth not what he promiſeth: All that a man promiſeth he is bound to do ſo far as he can, and it is Lawful, but this is Lawful and poſſible, therefore he is bound to do it.*

Another Caſe is when a man promiſeth by Oath to obey another or to do what another requires, and the perſon requires that which he may do, but to do it would be intolerable to him, is he bound to keep it?

It is Anſwered, he is not, ſith ſuch oaths are to be underſtood with this proviſo, ſo that he require what is poſſible, honeſt and equal, otherwiſe, if there be that required which it is likely would have been excepted, if it had been forethought of that it would have been asked. And this reſolu-

Lect. 20.

tion is both agreeable to reaſon, ſith ſuch an Oath is in the intention of it for anothers benefit, not his own ruin, that the Condition be included, if thou ask, what I may ſafely grant; and to the fact of *Solomon*, who though he had promiſed to grant what his Mother ſhould ask, yet when ſhe asked for *Adonijah Abiſhag* to Wife denyed it, and ſware to put him to death, deprehending that it was intended by him for an occaſion to diſturbe the Kingdome, 1 *Kings* 2. 20, 21, 22, 23.

Another Caſe is whether a man that promiſeth a thing Lawful for an evil end is bound to do it, as ſuppoſe a man promiſeth to give money to a Woman for the abuſe of her, or to a man for a falſe Teſtimony, is he bound to keep his oath?

It is anſwered, though the promiſe be wicked, and the condition be wicked, yet if the thing promiſed be a thing not in it ſelf unlawful, when the condition is performed, the promiſe ſhould be performed, as when *Judah* promiſed to *Tamar* to give her the hire of a harlot, he was bound to perform it, *Gen.* 38. 20. 23.

§. 4. Oaths are in diſpenſable by humane Authority

There remains onely to be conſidered what wayes a man may be freed from the bond of the oath, which he otherwiſe ſhould be held with?

About which it is agreed 1. that in an affertory oath there can be no diſpenſation, becauſe, the matter being paſt or preſent, and ſo immutable, no other diſpenſation can be given, but ſuch as ſhould fall on the act of the ſwearer, and ſo make the thing, which is falſely ſworn, not to be a ſin, which cannot be but by taking away the precept of God, which is altogether indiſpenſable. But in promiſſory Oaths beſides the truth of the intention, which is in the Act of ſwearing, it is required that there be a real performance for the future, which may be hindered many wayes, and the perſon not be bound to perform the thing, but be looſed from the bond of his oath.

2. It is agreed, that ſundry wayes a man may be free from performing what he promiſed by Oath.

As 1. In Caſe an Oath be made of a thing wherein the ſwearer is ſubject to a ſuperiour without his conſent, as ſoon as he knows he diſſents, he is free from the bond of the Oath,

oath, as *Numb.* 30. 4. God himſelf reſolves, of which I have ſpoken before in this *Lecture ſect.* 2. *Lect.* 20.

2. In caſe the matter, or principal Cauſe, and Reaſon of the Oath, by ſome notable change of the ſtate of things ceaſe to be, or become ſuch as that if it had been foreſeen before the Oath was made, the promiſe would never have been, eſpecially in voluntary oaths, the perſon ſwearing is not bound to performance. Thus a man that ſwears ſervice to a Maſter that dies, obedience to a General that ceaſeth to be ſuch, to obſerve Statutes, which are altered, to be preſent at convocation, when he hath left the Univerſity, or is removed from the Corporation, or a man that ſwears to make ſuch a one his Heir ſuppoſing him to be his own Child, but proved to be ſuppoſitious, or, if his own Child, he prove unnatural and ſeeks to kill his Father: In theſe and many more ſuch Caſes the Obligation of the oath ceaſeth, when the Matter and Principal Cauſe of the oath ceaſeth to be, or is quite otherwiſe and contrary to what was conceived at the taking of it.

3. When an oath made reſpects onely the obſervance or commodity of him to whom any thing is promiſed, then the Obligation ceaſeth by the releaſing of the right, which the perſon hath thereto by his conſent, to whom the promiſe was made, and ſo far and in ſuch manner as he remits it. For then the Foundation of ſuch a promiſe ceaſeth, even by the nature of the thing this condition being included, I will do this if he require it, demand it, do not remit or forgive it, as in the Caſe of an Obligation to a Creditour and the like. And the Act obliging reſpecting his onely Commodity to whom the oath is, no injury is done to him who doth remit his right. But Biſhop *Sanderſon prael 7a. de Juram. oblig. ſect.* 8. Dr. *Ames* l. 4. *de conſc.* c. 22 §. 34. *except the contract of eſpouſals, becauſe therein the profit of man is not onely minded, but alſo the inſtitution of God.* Which muſt be underſtood of Eſpouſals in words of the preſent tenſe: For otherwiſe there may be Caſes of releaſing a contract of Eſpouſals in words of the future by conſent, as the ſame Doctor teacheth l. 5. *de conſci.* c. 36. §. 3. If any ſay the Obligation to man may ceaſe, but not the Obligation to God, it is true, but this onely

Lect. 19. onely proves, that ſuch an oath cannot be releaſed *quoad nexum Juramenti in reſpect of the tie of the Oath*, which all grant; Gods right cannot be remitted, and therefore a Vow to God cannot be releaſed as an oath to man, which may be releaſed onely in reſpect of the matter of the oath, which is all that is aſſerted.

§. 5. The Pope of *Rome* cannot by his diſpenſation looſe oaths.

But the chief matter in controverſie is concerning the diſpenſing with oaths ſo as to exempt perſons from the common Law of fulfilling the promiſe which is made by oath out of ſpecial indulgence by him that hath Authority. In which buſineſſe the Biſhop of *Rome* claims an immenſe power of diſpenſing with oaths made to Princes by their Subjects, of one Prince to another, of Vows made to God of ſingle life, even that of ſingle life, though by them counted a greater good, yet if it be for the advantage of the Sea of *Rome* they can diſpenſe with a man in holy orders to marry and to be a King, they take upon them to diſpence with Gods Laws, to allow inceſtuous Marriages. And about oaths they have done ſuch things as ſhew they are grown to a Giant-like Audacity, as if they durſt affront God *γυμνῇ κεφαλῇ with open face*. *Clement* the ſeventh immediately upon *Francis* the firſt of *France* his oath given to *Charles* the fifth for performance of the Articles (accorded at his delivery) diſpenſed with his oath, and by probable conjecture had promiſed to diſpence with him aforehand. And in the buſineſſe of the oath of Allegiance, notwithſtanding this clauſe in it, [*And I do believe and in Conſcience am reſolved, that neither the Pope, nor any perſon whatſoever, hath power to abſolve me of this Oath or any part thereof, which I acknowledge by good and full Authority, to be lawfuly miniſtred to me and do renounce all pardons and Diſpenſations to the contrary*] yet *Pacenius* derided this cautelous framing the oath, affirming that upon the Popes diſpenſation the oath would be no ſtronger then a Bond of Straw. Nevertheleſſe ſince the Diſputes about Pope *Julius* the ſecond his diſpenſing with King *Henry* the eight to marry the relict of his brother Prince *Arthur*, *vel Carnaliter cognitam, tho carnally known*, and the diſputes about Pope *Paul* the 5ths *Breves* againſt the Oath of Allegiance to King *James*, the vanity of this monſtrouſly arrogant claim of Popes to diſpenſe with Gods Lawes and Oaths hath been ſo ſifted, as that their diſpenſations have been proved to be

meer

mere chaffe. But to determin in this matter.

Lect. 20.

1. It is acknowledged that if the Oath contain that which is manifeſty unlawful or impoſſible, the Oath binds not: but the perſon that hath ſworn needs no diſpenſation, the Oath of it ſelf ceaſeth, and ſo in other juſt cauſes before mentioned.

2. That in caſe the thing be doubtful then uſe is to be made of the moſt Able and Skilful Doctors to reſolve the doubt, and if the Pope were more Learned, Pious, and Prudent then others, his reſolution might deſerve to sway much with the doubting perſon. But this way of Reſolution belongs not to his Pontifical Power, but his perſonal qualities, which if they be better in a ſorboniſt then the Pope, the former may better untie the knot then the later. For this looſing of the Oath is onely by a right Interpretation or Declaration out of the Word of God, not out of a Popes Chair. 'Tis true the Jews had a received cuſtome to go to one or more Doctors to releaſe their Oaths when any cauſe happened after, beſides that which was in the mind of the ſwearer at the moment of ſwearing, as *Selden* tells us *l.* 4. *de Jure Nat. ac gent. Juxta Diſcipl. Ebræ. p.* 532, 533. And ſuch a courſe may be uſeful now in caſe doubting conſciences of weak Judgements are perplexed about their oaths, and know not how to reſolve themſelves, that they repair to Grave, Learned and Godly men to ſatisfie them what they are to do about their oaths and vowes, if both deal faithfully with their own Souls not deceitfully propounding the doubt, nor craftily for ſiniſter ends deciding it. But the Authority aſcribed to the Popes out of fulnes of power to looſe oaths whether there be juſt cauſe or nor, and to ſell ſuch diſpenſations, or any Prelate by mere power to diſpenſe with or commute oaths or vowes into ſome thing better, is a claim, which is merely arrogant and preſumptuous, and the practiſe of it impious and ſordid. And to prove what I have ſaid I urge theſe Arguments.

1. It is the Law Divine, that a man is not to forſwear himſelf: but if the Pope by his Authority could diſpenſe with oaths, that are otherwiſe valid, he could make perjury to be lawful, and ſo ſin to be no ſin: which is more then to remit the ſin, it were to make contradictories agree, the ſame thing

Lect. 20. thing to be perjury by Divine Law, no perjury by the Popes diſpenſation, to be ſin and not to be ſin, which is impoſſible.

2. It is the Divine Law that *a man ſhall perform his Oath to the Lord, Mat.* 5. 33. But if the Pope can diſpenſe therewith, then the Pope can at his pleaſure make void Gods Law, which is to uſurpe Authority Superior or Equal to Gods. For none can diſpenſe with a Law but the maker or he that hath Authority equal to his, either, original, or by commiſſion. But that is monſtrous to aſcribe to the Pope.

3. The obligation of an oath is of Divine right natural: For to be faithful in keeping promiſes to man, much more to God is of the Law of Nature, as *Cicero l.* 1. *de Officiis* and all moraliſts agree. But that is immutable, and can be altered onely by God the Lord and Author of Nature, and ſober Papiſts themſelves grant that therein neither the Pope, nor any humane Authority can diſpenſe. *Aqu.* 2*a.* 2*æ. q.*94. *Art.* 5. *Natural right from the beginning of the reaſonable creature is not varied by time, but remains immutable, in decretis diſti.* 5. *q.* 100 *art.* 1. *all the moral precepts of the Decalogue are of the Law of nature. Art.* 8. *ſith the ten commandments diſpoſe men to good ſimply, and to a mans neighbour in this ſame order, they are ſimply indiſpenſable.*

4. An humane diſpenſation is in the outer Court, but the Obligation of an oath is in the inner Court of the Conſcience, over which no man hath command but God onely; therefore he that takes on him power over it uſurps Divine Power, and ſets up a Judgement Seat in the inner Court, which belongs onely to God, and ſuch diſpenſation is invalid, as a Sentence that is paſſed by one that is no Judge in that Court, which is void to all purpoſes in Law.

5. By a Promiſſory oath to obedience, ſervice, or the like, as there is an obligation of the ſwearer, ſo there is a right accruing to him to whom the promiſe is made, which cannot be taken away juſtly without his conſent, if he conſent, then there needs no diſpenſation. Whence it is that he who will maintain, that the Pope may diſpence with an oath of Obedience to a Prince without his conſent muſt maintain, that he may give away his right to any thing he hath,

and

and by the like reaſon of any other perſon, and this he cannot defend without making him abſolute Lord over all things and perſons, ſo that they and theirs are at his diſpoſing, and all hold all under him as Vaſſals in Villanage, and this amounts to as much as to make him God. *Lect.* 20.

6. Which is further confirmed, in that ſome of the Papiſts have avouched the Popes power to diſpenſe with Oaths from this, that *every one who ſwears is the Popes Subject, and in his oath this condition is underſtood, if it ſhall pleaſe the Lord Pope.* And they who derive it from his declaratory power, as an infallible ſupream Judge, from whoſe Sentence there is no appeal, do in effect avouch the ſame abſolute Dominion.

§ 6. The Keys binding and looſing, Mat. 16. 19 give no power to looſe oaths

Bellarmin under the name of *Matthæus Tortus* had ſaid, *That to the Authority of the Pope pertains not onely the power of abſolving from ſin, but alſo from Puniſhments, Cenſures, Laws, Vows and Oaths. And this all Catholicks gather from the Lords words, whatſoever thou ſhalt looſe on earth, ſhall be looſed in Heaven, Mat.* 16. 19. And it is made a part of the power of the Keys given to *Peter*, and from him deſcending to the Pope of *Rome* as Succeſſour of *Peter*.

Anſw. That neither by any grant made to *Peter* ſuch a Power, as is claimed to belong to the Pope, was ever given to a meer man, and that the Biſhop of *Rome* is not a Succeſſor of *Peter* in the Head-ſhip of the whole Church is ſufficiently proved in my *Romaniſm Diſcuſſed, art.* 7. printed, 1660. That *the Keys of the Kingdom of Heaven* contain not a power to looſe the Bond of Oaths of one man to another about Civil Contracts by a Popes Diſpenſation for a man to break his Faith, any man may perceive, who knows what is meant by *the Kingdom of Heaven*, and *the Keys thereof* and their uſe. By *the Kingdom of Heaven* is undoubtedly meant that Dominion, which Chriſt is to have in the ſpirits of men, or the Church of Chriſt, and *the Keys* the Knowledge, Power and Ability which *Peter* ſhould have to bring men under that dominion, and into the Church of Chriſt; which was by the Preaching of the Goſpel, and Baptizing perſons into the Name of Chriſt. Which is plain to be meant by *the Keys of the Kingdom of Heaven* by the fulfilling of this promiſe, which was, *Acts* 2. and 10. in the converſion of the three thouſand, and *Cornelius* and his houſhold. And till the Pope do, as *Peter*

Lect 20.

ter did by Preaching and Baptizing bring ſouls into the Kingdom of Heaven, he hath not *the Keyes of the Kingdom of Heaven* as *Peter* had. To free perſons from Oaths, Vows, Laws, Sins, Penances, Cenſures by his Indulgences, Pardons, and other Acts (which is the Popes practiſe) is indeed to have the Keyes of Hell to let perſons in thither, not to have the Keyes of the Kingdome of Heaven to admit men into it.

As for *binding and looſing*, what ever be meant by it, it is certain, from *Mat.* 18. 18. that it was not peculiar to *Peter*, but common with him to other Apoſtles at leaſt, and no peerleſſe power in *Peter* derivable from him to the Biſhop of *Rome* as his Succeſſour. For there it is ſaid, *Whatſoever ye* (in the plural number) *ſhall bind on earth ſhall be bound in Heaven, and whatſoever ye ſhall looſe on earth ſhall be looſed in Heaven.* Whether by [*ye*] be meant [*the Church* v 17.] or the Apoſtles to whom he ſpake, as v. 19. gives me cauſe to conceive, it is certain that binding and looſing was not the prerogative of *Peter*, but common to him with other Apoſtles. And whether *binding* and *looſing* be the ſame with *retaining* and *remitting ſins*, *John* 20. 23. or injoyning commands, and freeing from the burden of them, as the phraſe, *Mat.* 23. 4. and the practiſe of *Peter*, *Acts* 10. 28. and 11. 17. and his and others reſolution, *Acts* 15. 7, 8, 9, 10, 11. 19. 28. eſpecially the phraſes of *putting a yoke*, and *laying a burden* give me cauſe to conceive, it is evident that it was not a power of dominion, to do what they pleaſed as Lords, but authority of reſolving as Doctors by reaſon of the ſingular knowledge they had of the mind of God, from their converſing with Chriſt, while he was on Earth, and his ſpirits being in and with them after his aſcenſion; For which reaſon they ſay, *Acts* 15. 28. *It ſeemed good to the Holy Ghoſt and to us to lay upon you no greater burden then theſe neceſſary things*, which cannot be challenged nor rightly ſaid by any Pope or Couucil of Biſhops or Elders and Teachers in the Church in that ſenſe and manner the Apoſtles, Elders and Brethren then did. Yet were it ſo that any could, as it did not belong to *Peter* alone, ſo neither now to the Pope, nor is the matter of binding and looſing meant of diſpenſing with Oaths by ſuch a power as the Popes claim, even without any cauſe to looſe the bond of an oath,

which

which is in effect to allow men to be perjured, and to break the bond of humane society, to wit the faith, which is given by one to another, and thereby to dissolve Common-wealths and to ruine Government. And *Gregory* Bishop of *Antioch* did ill, who resolved the Army, that had sworn never to aske for *Philippicus* to be their Commander, that they might do it, the power of binding and loosing being committed to him, as *Evagrius* relates *l.* 6. *c.* 12. Wherefore for conclusion of all, it will concern those who mind the saving of their souls, and the good of humane society to avoid all looseness in swearing, and to abhor the delusions of Popes and Jesuites about oaths and as on the one side to be willing to testify the truth, that justice may proceed, so to avoid unnecessary, false & unrighteous Oaths, and to *swear the Lord liveth in truth, in judgement and in righteousnes*, *Jer.* 4. 2. *Lett.* 20.

FINIS.

Books Printed for Andrew Crooke *at the Green Dragon in* St. Pauls *Church-yard.*

A Large and Compleat Concordance to the Bible by *S. Newman*, fol.

Leviathan, or the Matter, Form and Power of a Common Wealth Eccleſiaſtical, and Civil by *T. Hobs.*

Dr. *Kellet* on the Sacrament of the Lords Supper, fol.

A Collection of Poſthume Lectures delivered by Biſhop *Andrews*, fol.

An Eſſay towards the amendment of the laſt tranſlation of the Engliſh Bible by *R. Gell*, D. D. fol.

Mr. *Hookers* Eccleſiaſtical Politie (now newly reprinted) being the whole 8. books, with his life, in fol.

Dr. *John Gauden* Biſhop of *Worceſter* his Defence of the Church of *England*, 4°

His 8. Sermons on eminent occaſions at ſeveral times, 4°.

His Analyſis on the Covenant, 4°.

His binding the Covenant and all Covenanters to their good behaviour in 4°.

An Eviction of thoſe Zealots that defie External bowing at the Name of Jeſus, by. *T. Barton*, 4°.

Dr. *Lightfoots* Works in two vol. 4°.

Dr. *Twiſſe* of Predeſtination, 4°.

Rutherfords Works in ſeveral volumns in 4°.

Dr. *Day* on the Reſurrection, 4°.

Dr. *Alsburies* Penitential Confeſſion of ſin, 4°.

Dr. *Sanderſon* Biſhop of *Lincolns de Juramento*, 8°.

Buddings of old Truth, by *A. Groſſe*, 8°.

A Manual of Devotion by Dr. *Swadlin.*

Indian Nectar, or a diſcourſe concerning Chocolate, By Dr. *Stubbs* Phyſitian to his his Majeſty (new.)